

**12/14/20**

**Minutes  
Environmental Management Commission Meeting  
Alabama Department of Environmental Management Building  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2400  
October 9, 2020**

**This is to certify that the Minutes contained herein are a true and accurate account of actions taken by the Alabama Environmental Management Commission on October 9, 2020.**

A handwritten signature in black ink, appearing to read 'S. L. Miller', is written over a solid horizontal line.

**Samuel L. Miller, Chair**

**Alabama Environmental Management Commission**

**Certified this 11th day of December 2020.**

**Minutes**  
**Environmental Management Commission Meeting**  
**Alabama Department of Environmental Management Building**  
**1400 Coliseum Boulevard**  
**Montgomery, Alabama 36110-2400**  
**October 9, 2020**

**Convened: 11:00 a.m.**  
**Adjourned: 11:44 a.m.**

**Part A**

**Transcript**  
**Word Index**

**Part B**

**Attachment Index**  
**Attachment 1**  
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**Attachment 6**

**Part A**



ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION  
Meeting on 10/09/2020

1

MEETING OF THE

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ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

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Alabama Room (Main Conference Room)

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1400 Coliseum Boulevard

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Montgomery, Alabama 36110-2400

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October 9, 2020

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11:00 a.m.

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COURT REPORTER: PATRICK R. MILLER, ACCR-631

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1 \* \* \* \* \*

2 APPEARANCES

3 COMMISSION MEMBERS PRESENT:

4 Samuel L. Miller, M.D. (Chair)

5 Thomas P. Walters, P.E. (Vice Chair)

6 Ruby L. Perry, D.V.M.

7 H. Lanier Brown, II, Esq.

8 Ms. Mary J. Merritt

9 Mr. John (Jay) H. Masingill, III

10

11 COMMISSION MEMBER NOT PRESENT:

12 Mr. Kevin McKinstry

13

14

15 ALSO PRESENT:

16 Robert D. Tambling, EMC Legal Counsel

17 S. Shawn Sibley, ADEM General Counsel

18 Lance LeFleur, ADEM Director

19 Debi Thomas, EMC Executive Assistant

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1 \* \* \* \* \*

2 DR. MILLER: All right. Let's get

3 started. I'd like to call the meeting

4 to order. It looks like we have a

5 quorum present. And our first agenda

6 item is to consider the minutes of the

7 meeting of August 14th. These have

8 been distributed and agreed by all the

9 Commissioners, and I will entertain a

10 motion to accept these minutes.

11 MR. BROWN: So moved.

12 MR. MASINGILL: Second.

13 DR. MILLER: Moved and seconded.

14 All in favor, signify by raising your

15 right hand.

16 (All hands were raised.)

17 DR. MILLER: All opposed, same

18 sign.

19 (No hands were raised.)

20 DR. MILLER: All right. Our next

21 item on the agenda is election of

22 Commission Chair and Vice Chair. At

23 this time, I will accept the

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1 nominations for the Commission Chair.

2 DR. PERRY: I move that Sam Miller

3 serve as the Chair.

4 MR. BROWN: Second.

5 DR. MILLER: Any other nominations?

6 (No response was heard.)

7 DR. MILLER: It's been moved and

8 seconded. Any discussion?

9 (No response was heard.)

10 DR. MILLER: All right. I will

11 call for the question. All in favor,

12 say -- or raise your right hand.

13 (All hands were raised.)

14 DR. MILLER: All opposed, same

15 sign.

16 (No hands were raised.)

17 DR. MILLER: All right. Now, the

18 next item is the Commission Vice

19 Chair. And we -- Lanier is currently

20 our Vice Chair, but he and -- let's

21 see, who else? Yeah. Anyway, we have

22 two Commissioners who are not eligible

23 to serve for Vice Chair until their

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1 terms are resubmitted. So I will call

2 for nominations for the Vice Chair.

3 Any nominations?

4 DR. PERRY: I move that Thomas

5 Walters serve as the Vice Chair.

6 MR. MASINGILL: Second.

7 DR. MILLER: Moved and seconded.

8 Any other nominations? If not, I will

9 call for the question. All in favor

10 of Mr. Walters as the Vice Chair,

11 please signify by raising your right

12 hand.

13 (All hands were raised.)

14 DR. MILLER: All opposed, same

15 sign.

16 (No hands were raised.)

17 DR. MILLER: All right. Tom, it

18 looks like you have been honored with

19 it.

20 MR. WALTERS: Thank you.

21 DR. MILLER: Debi, do you want us

22 to wait until we sign this before we

23 move on?

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1 MS. THOMAS: Well, I'll just pass  
 2 it down and take care of this. Thank  
 3 you.  
 4 DR. MILLER: Okay. All right.  
 5 Well, let's call on Director LeFleur  
 6 for his report this morning.  
 7 MR. LEFLEUR: And with your  
 8 permission, I will take off my mask so  
 9 you can hear me.  
 10 Congratulations on your hard fought  
 11 election victories. Looking forward  
 12 to a new year. Well, good morning,  
 13 and welcome to the first meeting of  
 14 the Alabama Environmental Management  
 15 Commission for Fiscal Year 2021. This  
 16 being the beginning of the new fiscal  
 17 year, today's report will review the  
 18 Department's operating plan results  
 19 for FY 2020 and the new FY 2021 plan.  
 20 In 2019, the Department and the  
 21 Commission updated the Unified  
 22 Strategic Plan as is done every five  
 23 years. The goals in the Department's

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1 Annual Operating Plan are the same as  
 2 those in the five-year Unified  
 3 Strategic Plan. To achieve the  
 4 five-year goals in the Strategic Plan,  
 5 each year the Department develops an  
 6 Annual Operating Plan that sets forth  
 7 specific objectives for achieving the  
 8 goals. Today's report will review  
 9 those objectives for FY 2020 and FY  
 10 2021. The Strategic Plan and the  
 11 Annual Operating Plan shared goals  
 12 are: Effective and Responsive  
 13 Commission, High-Performing Work  
 14 Environment, Credible Relationships  
 15 with External Stakeholders, and  
 16 Efficient and Effective Departmental  
 17 Operations. The Department's Annual  
 18 Operating Plan has objectives that can  
 19 be categorized in two ways: Those  
 20 that are continuous, and those that  
 21 have a finite completion time frame.  
 22 Continuous objectives are those that  
 23 are in the Operating Plan every year.

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1 These are activities like  
 2 communication practices, promoting  
 3 professional development, regularly  
 4 measuring performance, public  
 5 outreach, and innovation. Finite  
 6 objectives include such activities as  
 7 completing construction on physical  
 8 facilities, implementing new specific  
 9 programs or systems, technology  
 10 upgrades, and the like.  
 11 The FY 2020 Operating Plan had 81  
 12 objectives with 50 categorized as  
 13 continuous, and 31 with a finite  
 14 completion schedule. All finite  
 15 objectives due to be completed in 2020  
 16 were accomplished, and planned  
 17 progress on all other objectives was  
 18 achieved.  
 19 The FY 2021 Operating Plan has 91  
 20 itemized objectives of which 40 have a  
 21 finite completion schedule. The next  
 22 several slides will recap some of the  
 23 individual FY '20 Departmental

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1 Operating Plan objectives accomplished  
 2 during the past fiscal year and  
 3 provide a general description of some  
 4 of the new objectives in the FY 2021  
 5 plan. The objectives are grouped  
 6 under the four broad shared goals in  
 7 the unified five-year strategic plan.  
 8 The first goal in the Department's  
 9 Annual Operating Plan is to have an  
 10 Effective and Responsive Commission.  
 11 To achieve this goal, there must be  
 12 effective communication between me as  
 13 Director and each of the seven  
 14 Commissioners. This involves a set of  
 15 ongoing objectives that continue year  
 16 to year. The Commission and the  
 17 public are provided a written schedule  
 18 of all anticipated rulemaking well  
 19 before proposed rules are formally  
 20 presented. Before each of the six  
 21 regularly scheduled Commission  
 22 meetings, the "Ongoing Rulemaking  
 23 Information" memo is sent to each

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<p style="text-align: right;">Page 10</p> <p>1 Commissioner and posted on the ADEM 2 website. The Director will continue 3 one-on-one meetings six times per year 4 with each Commissioner to discuss the 5 latest issues confronting the 6 Department and affecting our 7 environment. Additionally, the 8 Director will provide a written 9 memorandum entitled "ADEM Update" 10 prior to each Commission meeting 11 highlighting the significant new 12 activities in each of the Department's 13 five divisions, and addressing interim 14 progress on the individual objectives 15 set out in the Department's Annual 16 Operating Plan, and the Director will 17 deliver a report at each Commission 18 meeting.</p> <p>19 The reports will include a review 20 of standard EPA performance metrics, 21 an analysis of the State of the 22 Environment in Alabama, and other 23 current environmental topics.</p>	<p style="text-align: right;">Page 12</p> <p>1 Department successfully worked with 2 the Governor's Office, Legislative 3 leadership, and interested 4 nongovernmental individuals and 5 entities to obtain the Department's FY 6 '21 general fund appropriation of 7 \$4 million which represents about 8 seven percent of our operating budget.</p> <p>9 In 2020, the Department was also 10 successful in obtaining other 11 financial resources in addition to our 12 general fund appropriation and the 13 normal programmatic funding from EPA. 14 Three noteworthy competitive grants 15 were a \$545,000 grant for lead testing 16 in pre-K and day care facilities, 17 \$500,000 for waterway litter 18 reduction, and \$200,000 for expansion 19 of our exchange network to increase 20 the Department's efficiency with -- 21 through e-enterprise.</p> <p>22 In total, the Department was able 23 to obtain grant funding of nearly \$3</p>
<p style="text-align: right;">Page 11</p> <p>1 Each of these objectives was 2 accomplished in FY 2020, and will 3 continue in FY '21. The Ongoing 4 Rulemaking memo, the ADEM Update memo, 5 and the Director's Reports are 6 available to any interested party on 7 the ADEM website in eFile, under the 8 heading, Director's Correspondence.</p> <p>9 Goal 2, High-Performing Work 10 Environment, has several subgoals or 11 objectives that focus on resource 12 management, including financial and 13 physical, and human resources. And 14 other objectives under this goal focus 15 on management activities that promote 16 a high-performance organization. 17 There are both ongoing objectives that 18 are the same year-to-year, and fixed 19 horizon objectives that are to be 20 accomplished within a specific time 21 frame that may be one or more years. 22 On the financial and physical 23 resources side, in FY 2020, the</p>	<p style="text-align: right;">Page 13</p> <p>1 million over and above normal 2 programmatic funding. This was very 3 good progress in our continuous effort 4 to obtain innovative funding for the 5 Department. In FY 2020, the 6 Birmingham Field Office lab 7 renovations were completed, which was 8 the last phase of upgrades to put that 9 field office in shape for the 10 long-term future. Additionally, we 11 made significant progress on the other 12 major physical resource upgrade, the 13 multi-year Mobile Field Office 14 development. As you know, the \$5.9 15 million RESTORE Act grant awarded in 16 FY 2019 and closed in FY 2020 made 17 this project possible.</p> <p>18 In the human resource management 19 effort to promote a high-performing 20 work environment, the Department has 21 continued to recruit interns and co-op 22 students with the objective of 23 encouraging the most talented</p>

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<p>1 candidates to become permanent 2 employees when they graduate. During 3 2020, we were able to recruit four 4 interns and co-ops which is down from 5 prior years due to the corona -- the 6 COVID-19 pandemic. The Department has 7 and will continue to focus on 8 recruiting and advancing diversity 9 within the Department through specific 10 initiatives including recruiting at 11 all Alabama and many out-of-state 12 historically black colleges and 13 universities. We recruit minority and 14 disadvantaged candidates from many 15 other regional colleges and 16 universities as well. In keeping with 17 the current trend in recruiting, we 18 are also using online recruiting 19 services. Another ongoing objective 20 in the management of human resources 21 is to promote professional development 22 of our workforce, which is necessary 23 to support a high performance</p>	<p>1 two personnel who earned PE 2 accreditation, two who earned the 3 Certified Public Manager, or CPM I 4 designation, seven who earned the 5 advanced CPM II designation, and 6 several who earned other accreditation 7 in their chosen fields of 8 specialization. This list does not 9 include the numerous continuing 10 education programs our personnel 11 engage in to maintain their 12 accreditations. The FY '21 operating 13 plan will continue to emphasize 14 obtaining and maintaining professional 15 accreditation. 16 Among the most significant 17 personnel programs begun in 2020 and 18 continuing in FY '21 is the 19 inauguration of teleworking. The 20 COVID-19 pandemic provided us the 21 opportunity to undertake the 22 teleworking experiment the Department 23 has been considering for some time.</p>
Page 15	Page 17
<p>1 organization. Progress made includes, 2 during FY 2020, more than 30 3 individuals completed a voluntary 4 leadership training program developed 5 by the Department in cooperation with 6 Auburn University Montgomery. The 7 program trains ADEM professional staff 8 who have not yet become managers. In 9 total, 90 personnel have completed the 10 program since its inauguration in 11 2019. In 2021, in the Operating Plan, 12 we will continue the leadership 13 training initiative. 14 In 2020, the Department began 15 providing specialized accreditation 16 training to assist our personnel 17 seeking to achieve the Professional 18 Engineer and Professional Geologist 19 designations. The initiatives help 20 develop and retain more of our high 21 achieving individuals. That program 22 will continue in FY 2021. 23 In FY 2020, we introduced you to</p>	<p>1 An analysis of both job descriptions 2 -- classifications, that is, and the 3 individual personnel in those job 4 classifications has been ongoing to 5 determine suitability for teleworking. 6 In 2020, the Department, working again 7 in cooperation with Auburn University 8 Montgomery, developed a specialized 9 program to train managers on how to 10 manage a remote workforce. About 11 three-fourths of our more than 100 12 supervisors have already received the 13 training. The remaining supervisors 14 will be trained in the next few weeks. 15 Also within the broad goal of 16 promoting a high-performing work 17 environment, we will continue the 18 practice of regularly using objective 19 relevant data to measure work 20 performance. This is accomplished in 21 part by presenting updated standard 22 EPA dashboard analyses for the air, 23 water, hazardous waste, and drinking</p>

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<p style="text-align: right;">Page 18</p> <p>1 water programs at Commission meetings.  2 We present these metrics to keep the  3 Commission and the public informed  4 about performance, but as importantly,  5 the Department uses the dashboards to  6 track its results, which is a  7 necessary activity if we are to  8 continue being a high-performing  9 organization. The most recent  10 dashboard updates show the Department  11 continues to beat national averages.  12 In 2020, during the COVID-19 pandemic,  13 we began tracking additional  14 comparative internal qualitative and  15 quantitative productivity measures to  16 determine teleworking success. This  17 will continue in FY 2021.  18 Finally, innovation is an important  19 objective within the goal of achieving  20 a high-performing work environment.  21 As is typical, innovative ideas  22 generated in FY 2020 led to tangible,  23 concrete objectives for FY '21. For</p>	<p style="text-align: right;">Page 20</p> <p>1 providing financial, physical, and  2 human resources, using data-driven  3 performance measures, and promoting  4 innovation are ongoing endeavors that  5 continue to move us forward, but by  6 their nature are never fully  7 completed. For that reason, a number  8 of the objectives for FY 2021 in this  9 broad category will remain the same as  10 they were in FY 2020.  11 The third broad goal is Credible  12 Relationships with External  13 Stakeholders. Objectives to achieve  14 this Operating Plan goal include  15 engaging at least twice per year with  16 all interested regulated industry  17 groups as well as meetings with  18 elected officials, state agencies,  19 civic groups, and any group or  20 individual interested in working with  21 the Department on environmental  22 issues. The objective was achieved in  23 2020 and continues to be an objective</p>
<p style="text-align: right;">Page 19</p> <p>1 example, innovation led to new  2 objectives in formal training programs  3 for: Leadership, telework management,  4 environmental justice training for all  5 employees, and electronic smoke school  6 training for regulated industry. In  7 virtual applications for: Inspection  8 initiatives, online drinking water and  9 wastewater operator certification, and  10 expanding live streaming of  11 Departmental activities. In public  12 outreach, such as: PFAS sampling of  13 all public drinking water systems and  14 cooperative agreements with municipal  15 governments to clean up unauthorized  16 dumps.  17 Innovative ideas in FY '21 will no  18 doubt lead to new objectives in FY  19 '22. Maintaining a high performance  20 organization requires continual  21 improvement. Many of the objectives  22 in the high-performing work  23 environment goal which includes</p>	<p style="text-align: right;">Page 21</p> <p>1 for 2021.  2 Specific community stakeholder  3 groups reached out to will include low  4 income, minority, and disadvantaged  5 communities. The FY '21 plan calls  6 for formal environmental justice  7 training for all ADEM personnel.  8 Updates on the Department's  9 environmental justice activities will  10 be included periodically in my reports  11 to the Commission.  12 We document many of ADEM's outreach  13 activities to these communities in a  14 publication entitled "Community  15 Engagement," which we've shown on the  16 screen and is available on our  17 website. It is updated regularly to  18 include new and expanded initiatives.  19 The FY '21 Operating Plan continues  20 objectives to build credible  21 relationships with outside  22 stakeholders through our website by:  23 Encouraging the public to use the</p>



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1 eMaps, eFile, "What's Happening In  
 2 Your County," Water Quality  
 3 information, and eComplaint  
 4 applications available on our website  
 5 to help citizens access information  
 6 about their specific geographic areas  
 7 of interest and, if needed, to voice  
 8 their concerns.

9 In part because of the COVID-19  
 10 social distancing requirements, in FY  
 11 2020 the Department began live  
 12 streaming Commission meetings and  
 13 rulemaking hearings on our website.  
 14 In FY '21, we will be looking for  
 15 additional opportunities to connect  
 16 with the public by this means. Also  
 17 in FY '21, the Department will begin  
 18 an important effort to upgrade our  
 19 website. The objective will be to  
 20 make the website more user friendly.  
 21 This may require more than a single  
 22 year to accomplish.

23 In FY 2020, we began work with

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1 outside experts in media relations.  
 2 That effort is showing results and  
 3 improving communication with the  
 4 public, and will be a priority in FY  
 5 '21 Operating Plan. A few other  
 6 objectives met in FY '20, some of  
 7 which will be ongoing in FY '21,  
 8 include implementing lead testing of  
 9 drinking water fixtures at all Alabama  
 10 public schools, expansion of the  
 11 drinking water fixture lead testing  
 12 program to day care and pre-K  
 13 facilities, mandatory PFAS testing at  
 14 all public drinking water systems, and  
 15 optimization studies to help  
 16 individual municipal wastewater  
 17 treatment systems reduce costs and  
 18 improve operations. Altogether, the  
 19 goal of credible relationships with  
 20 external stakeholders includes 36  
 21 discrete objectives set out in the FY  
 22 '21 operating plan.

23 The fourth and final ADEM Operating

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1 Plan Goal is Efficient and Effective  
 2 Departmental Operations. This is a  
 3 critical element in the Department's  
 4 efforts to provide high quality and  
 5 cost effective services to help  
 6 Alabama citizens. A major objective  
 7 under this goal is to meet or exceed  
 8 our detailed annual work plan  
 9 commitments with EPA. Specific work  
 10 plans are negotiated with EPA for:  
 11 The NPDES Water Program, the drinking  
 12 water program under the Safe Drinking  
 13 Water Act, the air program under the  
 14 Clean Air Act, and the hazardous waste  
 15 program under the Resource  
 16 Conservation and Recovery Act. The  
 17 Department met all work plan  
 18 commitments in FY 2020, despite the  
 19 COVID-19 pandemic. Many other states'  
 20 environmental programs required  
 21 commitment waivers from EPA. Meeting  
 22 or exceeding EPA work plan commitments  
 23 continues to be an objective in FY

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1 2021.

2 For more than a decade, ADEM has  
 3 invested considerable resources in  
 4 electronic tools to promote public  
 5 outreach and to improve the efficiency  
 6 of our day-to-day work output. That  
 7 investment in automation has allowed  
 8 us to become the lowest-cost provider  
 9 of environmental regulation in the  
 10 nation, while maintaining among the  
 11 highest quality performance in the  
 12 nation. For 2020, the most  
 13 significant new endeavor in this area  
 14 was beginning the development and  
 15 implementation of a new generation of  
 16 computer software. All major internal  
 17 electronic data entry, reporting, and  
 18 performance tracking programs will be  
 19 included. The software will be  
 20 integrated among our inhouse  
 21 divisions, external regulated  
 22 entities, and with EPA systems. We  
 23 achieved all milestones through FY

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1 2020 as scheduled. The project is due  
 2 to be completed by the second quarter  
 3 of FY 2022. With greater automation  
 4 and increasing remote work,  
 5 maintaining cybersecurity measures  
 6 including secure communication and  
 7 data storage as well as overall system  
 8 backup are important ongoing  
 9 objectives in the operating plan.  
 10 Other objectives under the  
 11 Efficient and Effective Departmental  
 12 Operations goal completed in FY 2020  
 13 include implementation of a beneficial  
 14 use regulatory program for land  
 15 application of nonhazardous solid  
 16 waste, implementation of fish tissue  
 17 testing efficiencies, establishment of  
 18 electronic joint Clean Water Act,  
 19 Section 404 and 401, application  
 20 capability with the U.S. Army Corps of  
 21 Engineers, and placing water quality  
 22 information signage at boat ramps,  
 23 marinas, and other locations.

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1 Objectives from FY 2020 that will  
 2 continue in FY '21 include regular  
 3 formal and informal internal  
 4 communication, regulated industry  
 5 education initiatives, the stepped-up  
 6 State Revolving Fund loan program  
 7 marketing to help address  
 8 deteriorating water and wastewater  
 9 infrastructure, especially in small  
 10 communities, and optimizing our water  
 11 quality assessment program with an  
 12 objective of possibly increasing our  
 13 coverage area.  
 14 Some of the new FY '21 objectives  
 15 include: Upgrades to our computer  
 16 hardware to optimize performance and  
 17 provide improved backup as well as  
 18 system disaster recovery; developing  
 19 online certification information to  
 20 support upcoming regulation changes,  
 21 and electronic registration, online  
 22 license renewal and reporting;  
 23 development of a certification

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1 database for air monitoring to support  
 2 tracking of calibration gases;  
 3 completion of an expanded  
 4 comprehensive campaign to reduce  
 5 litter in our waterways; and  
 6 implementation of a systematic planned  
 7 schedule for laboratory equipment  
 8 replacement to optimize productivity.  
 9 Altogether, the goal of Efficient  
 10 and Effective Departmental Operations  
 11 includes 34 individual objectives set  
 12 out in the FY '21 Operating Plan.  
 13 Additional information on progress  
 14 in meeting the 81 objectives in our FY  
 15 '20 Operating Plan is available in the  
 16 six ADEM update reports mentioned  
 17 earlier that were prepared during FY  
 18 2020. Once again, these are available  
 19 on the ADEM website.  
 20 You received copies of the FY '21  
 21 Departmental Operating Plan with its  
 22 91 individual objectives. Additional  
 23 copies are available on the table

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1 outside the meeting room for others  
 2 who might be interested.  
 3 While development of the  
 4 Department's Operating Plan is an  
 5 annual activity, many of the  
 6 initiatives focus on positioning the  
 7 Department to be a high-achieving  
 8 organization for the long term. The  
 9 long-term focus includes: Developing  
 10 our future leaders through education  
 11 and recognizing their accomplishments;  
 12 establishing a routine of regularly  
 13 measuring performance; embracing  
 14 innovation including modern, leading-  
 15 edge automation to allow high  
 16 performance despite low funding;  
 17 building lasting relationships with  
 18 various stakeholder groups; and  
 19 providing the physical facilities and  
 20 other tools necessary to accomplish  
 21 the Department's mission. FY 2020 was  
 22 a challenging and successful year.  
 23 The FY '21 Operating Plan undertakings



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1 are ambitious. We plan to succeed  
2 again in FY '21.  
3 That concludes today's report.  
4 I'll be happy to answer any questions.  
5 DR. MILLER: I have one.  
6 MR. LEFLEUR: Yes, sir.  
7 DR. MILLER: Have we had any  
8 attempted cybersecurity breaches?  
9 MR. LEFLEUR: Excuse me. We have  
10 our computer people standing by here,  
11 and I can answer it. Yes. We have,  
12 of course, the spam and the other  
13 activities that the hackers try to put  
14 on. I don't know if we've had a  
15 concerted effort by some of the  
16 larger, intrusive groups.  
17 Have we, that you're aware of?  
18 MR. GLASS: I'm not aware of any,  
19 but we have firewalls and different  
20 applications and software set up to,  
21 you know, monitor all that.  
22 DR. MILLER: I know some of the  
23 hospitals in the state have been --

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1 MR. GLASS: Right.  
2 MR. LEFLEUR: Ransomware is a big,  
3 big issue for now.  
4 DR. MILLER: Yeah.  
5 MR. LEFLEUR: And as you mentioned,  
6 we have several layers in our  
7 firewall. We utilize our software  
8 vendors, Microsoft, as well as using  
9 the Department of IT down at the state  
10 level.  
11 DR. MILLER: Yeah.  
12 MR. LEFLEUR: We have a standalone  
13 IT program here, but we coordinate  
14 with the state IT department.  
15 DR. MILLER: Well, that's good to  
16 hear. Okay.  
17 DR. PERRY: I have a question.  
18 MR. LEFLEUR: Yes, ma'am.  
19 DR. PERRY: There's organizations  
20 now that is doing cybersecurity  
21 training for employees to be able to  
22 recognize. I just went through one.  
23 Do you-all have that -- do you have

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1 that in your --  
2 MR. LEFLEUR: Oh, yes. I finished  
3 the last piece of mine this week, as a  
4 matter of fact. Every person in the  
5 Department has a training program, and  
6 it's very helpful, and there's a  
7 refresher each year to make sure that  
8 they know how phishing attacks occur  
9 and those types of things. So, yes,  
10 that's very relevant to what we're  
11 trying to do.  
12 DR. PERRY: Okay.  
13 DR. MILLER: Any other questions  
14 for the Director?  
15 (No response was heard.)  
16 DR. MILLER: Thank you.  
17 MR. LEFLEUR: Okay. Thank you.  
18 DR. MILLER: The Commission Chair  
19 report, first, let me just say that  
20 it's an honor to be associated with  
21 these people up here and Kevin who  
22 could not be with us today. This is a  
23 dedicated group of people. They're

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1 very serious about their business.  
2 They try to be fair and honest, and I  
3 just -- I feel honored to be able to  
4 serve with these people. Also, in  
5 addition to the Director and his  
6 office staff, I'd like to make special  
7 mention of Debi and Robert who,  
8 without them, there are many, many  
9 times that I would be lost, and they  
10 are -- they're always willing to talk  
11 for however long it takes to get me in  
12 the right track, and I appreciate them  
13 very much.  
14 We've also brought up with the  
15 Director the fact that we would like  
16 for the Commission to be involved in  
17 sort of a continuing education program  
18 on CCR and PFAS. And they have  
19 indicated they're willing to do that,  
20 and, you know, certainly, in addition  
21 to helping train us and keep us up to  
22 date, we want the public to be able to  
23 visualize this kind of thing too. So

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1 I would like just to say that we would  
 2 really like to place emphasis on  
 3 learning more about those two items,  
 4 and -- and staying up to date, because  
 5 those are going to be the hot-button  
 6 issues for awhile, I'm afraid.  
 7 All right. That's all I have.  
 8 And, now, our next agenda item is  
 9 the report and recommendation from the  
 10 Personnel Committee on the ADEM  
 11 Director's job performance.  
 12 Mr. Walters?  
 13 MR. WALTERS: Yes, and I will try  
 14 to speak loudly since I'm not miked up  
 15 and take my mask off so you can hear  
 16 me better. Mr. Chair and members of  
 17 the Commission, we did -- a quorum of  
 18 the Personnel Committee meeting -- the  
 19 Personnel Committee met this morning  
 20 at 10:00 a.m. to review Director  
 21 LeFleur's performance, job  
 22 performance, for the past year. As  
 23 you recall, we -- the Commission

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1 authorized us to seek input from the  
 2 public through notice back in the  
 3 summer, and, overall, we received  
 4 about -- we received 13 separate  
 5 comments, some from individuals, some  
 6 from groups, environmental groups.  
 7 The majority of those comments were  
 8 positive. As has been the past, the  
 9 majority of the not-so-positive and  
 10 encouraging-for-improvement comments  
 11 came from our environmental -- what  
 12 I'll call environmental groups, the  
 13 various riverkeeper groups. Many of  
 14 them generally call for replacement of  
 15 the Director, as has been the past,  
 16 most every year. But, in any event,  
 17 we reviewed those and discussed the  
 18 performance. And, at this time, we'd  
 19 like to make a recommendation of the  
 20 Committee that the Commission retain  
 21 Director LeFleur for -- to serve in  
 22 the Director capacity for the upcoming  
 23 year, that he maintain -- his

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1 compensation is at Pay Grade 90, Step  
 2 18, which is the last step in Pay  
 3 Grade 90, and that the Commission  
 4 authorize myself as the Personnel  
 5 Committee Chair to sit down with  
 6 Director LeFleur and go over our --  
 7 his performance, and to also execute  
 8 the verification of understanding  
 9 between the Commission and Director  
 10 regarding this evaluation. So I  
 11 submit that for -- to the Commission  
 12 for adoption as our recommendation.  
 13 DR. MILLER: All right. Do I hear  
 14 a motion that we adopt the  
 15 recommendation of the Personnel  
 16 Committee?  
 17 MR. BROWN: So moved.  
 18 MR. MASINGILL: Second.  
 19 DR. MILLER: We've got a second.  
 20 Any discussion?  
 21 (No response was heard.)  
 22 DR. MILLER: If not, all in favor,  
 23 signify by raising your right hand.

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1 (All hands were raised.)  
 2 DR. MILLER: All opposed, same  
 3 sign.  
 4 (No hands were raised.)  
 5 MR. WALTERS: Mr. Chair, before we  
 6 move on to the second -- next agenda  
 7 item, I'd like -- one other thing I'd  
 8 like to -- that came up in our  
 9 Committee meeting.  
 10 DR. MILLER: Okay.  
 11 MR. WALTERS: And it has to do  
 12 with, I guess, the recognition by the  
 13 Committee that -- that Mr. LeFleur  
 14 will not be a Director forever, and  
 15 that we as a -- need to be prepared as  
 16 best we can to understand what  
 17 guidance or process we want to go  
 18 through when that time comes to  
 19 seeking a new Director, a better  
 20 understanding of compensation is one  
 21 aspect. So we discussed that, and  
 22 we'd like to have the Commission  
 23 authorize our Committee to do some

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1 evaluation of those processes and look  
 2 into those things and then come back  
 3 to report to the Commission at a later  
 4 date. So I guess I'm presenting that  
 5 as a motion to -- that the Commission  
 6 authorize our Committee to take that  
 7 study underway.  
 8 DR. MILLER: All right. We have  
 9 another motion. Do we have a --  
 10 MR. MASINGILL: Second.  
 11 DR. MILLER: Okay. All right. All  
 12 in favor say, Aye -- or raise your  
 13 right hand, I'm sorry.  
 14 (All hands were raised.)  
 15 DR. MILLER: All opposed, same  
 16 sign.  
 17 (No hands were raised.)  
 18 DR. MILLER: All right.  
 19 MR. WALTERS: Thank you, Mr. Chair.  
 20 DR. MILLER: That's a good idea,  
 21 Tom. Thank you.  
 22 Our next item is consideration of  
 23 proposed amendments to Code 335-6,

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1 Water Quality Program Regulations,  
 2 Indirect Discharge Permit and  
 3 Pretreatment Rules. I'd like to call  
 4 on the Department to discuss this.  
 5 MR. KITCHENS: Honorable Chair,  
 6 members of the Commission, I am Jeff  
 7 Kitchens. I am the Chief of the  
 8 Department's Water Division. You have  
 9 before you the complete hearing record  
 10 for proposed revisions to Water  
 11 Program's Division 6 regulations. On  
 12 June 21, 2020, the Department  
 13 initiated the rulemaking process to  
 14 consider proposed revisions to ADEM  
 15 Administrative Code Chapter 335-6-5,  
 16 which sets forth the Indirect  
 17 Discharge Permits and Pretreatment  
 18 Rules. The Department's proposed  
 19 revisions reflect the addition of Rule  
 20 335-6-5-.23 to adopt the Federal  
 21 Effluent Limitation Guidelines for the  
 22 Dental Office Point Source Category.  
 23 These technology-based pretreatment

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1 standards will reduce the discharge of  
 2 mercury from dental offices and to  
 3 municipal sewage treatment plants  
 4 known as publicly-owned treatment  
 5 works, or POTWs. The final rule  
 6 requires dental offices to use amalgam  
 7 separators and two best management  
 8 practices recommended by the American  
 9 Dental Association. No other  
 10 revisions were made to the  
 11 Department's regulations at this time.  
 12 On August 25 of 2020, a public hearing  
 13 was held to receive comments from  
 14 interested persons regarding these  
 15 proposed revisions. No persons  
 16 offered comments during the hearing.  
 17 Written comments were accepted any  
 18 time during the public comment period,  
 19 which extended from June 21 through  
 20 August 25 of 2020. No written  
 21 comments were received during this  
 22 period. The Department respectfully  
 23 requests that the Commission adopt

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1 these rule revisions as proposed, and  
 2 I will be happy to try to answer any  
 3 questions that you may have.  
 4 DR. MILLER: Any questions for the  
 5 Department?  
 6 (No response was heard.)  
 7 DR. MILLER: Thank you. All right.  
 8 Do I have a motion to adopt this  
 9 proposed amendment?  
 10 MR. BROWN: So moved.  
 11 MR. MASINGILL: Second.  
 12 DR. MILLER: Moved and seconded.  
 13 Any discussion?  
 14 (No response was heard.)  
 15 DR. MILLER: I will say I talked to  
 16 my dentist about it, and he's all for  
 17 it. And they were already doing it.  
 18 Anyway, let's call for the question.  
 19 All in favor, raise your right hand.  
 20 (All hands were raised.)  
 21 DR. MILLER: All opposed, same  
 22 sign.  
 23 (No hands were raised.)

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1 DR. MILLER: Okay. Our next agenda  
 2 item is GASP versus ADEM, and MRE  
 3 Crossville, LLC, EMC Docket Number  
 4 18-04. Debi has circulated the  
 5 Hearing Officer's report. I assume  
 6 that most -- that everybody has read  
 7 it. And so the Hearing Officer  
 8 recommended that the recommendation be  
 9 dismissed. And so is there any  
 10 discussion on that, or do I need to  
 11 just call for the question?  
 12 MR. BROWN: Well, I move to accept  
 13 and dismiss.  
 14 DR. MILLER: Okay. Do we have a  
 15 second?  
 16 MR. MASINGILL: Second.  
 17 MR. WALTERS: Second.  
 18 DR. MILLER: Moved and seconded.  
 19 Any further discussion?  
 20 (No response was heard.)  
 21 DR. MILLER: All right. Let's call  
 22 for the question. All in favor, raise  
 23 your right hand.

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1 (All hands were raised.)  
 2 DR. MILLER: Opposed, same sign.  
 3 (No hands were raised.)  
 4 DR. MILLER: Other business. I'd  
 5 like to take this opportunity to wish  
 6 Kevin McKinstry a continued and speedy  
 7 recovery from his accident, and it's  
 8 my understanding he's well on the way  
 9 to that recovery. So we missed him  
 10 today, but -- and he was going to try  
 11 and come, but I told him under no  
 12 circumstance was he to show up here  
 13 today. So our future business  
 14 session, December 11th, 2020, does  
 15 anybody have a known conflict with  
 16 that, or are we okay? Tom, were you  
 17 raising your --  
 18 MR. WALTERS: I was saying that's  
 19 good. I'm sorry. I didn't mean to  
 20 confuse you, but thumbs up.  
 21 DR. MILLER: Okay. Well, as far  
 22 as -- it looks like we're all set then  
 23 for December the 11th.

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1 Debi, we didn't have anybody  
 2 register this morning for public  
 3 comment?  
 4 MS. THOMAS: No, sir.  
 5 DR. MILLER: So I will entertain a  
 6 motion to adjourn the Commission  
 7 meeting.  
 8 MR. WALTERS: So moved.  
 9 MR. BROWN: Second.  
 10 MR. MASINGILL: Second.  
 11 DR. MILLER: All right. Let's all  
 12 vote yes.  
 13 (All hands were raised.)  
 14 DR. MILLER: Thank you.  
 15 (Whereupon, the meeting  
 16 concluded at 11:44 a.m.)  
 17  
 18  
 19  
 20  
 21  
 22  
 23 \* \* \* \* \*

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1 REPORTER'S CERTIFICATE  
 2 STATE OF ALABAMA  
 3 MONTGOMERY COUNTY  
 4 I, Patrick Miller, Alabama Certified  
 5 Court Reporter No. 631, and Commissioner for the  
 6 State of Alabama at Large, hereby certify that  
 7 on Friday, October 9th, 2020, I reported the  
 8 PROCEEDINGS in the matter of the foregoing  
 9 cause, and that the pages herein contain a true  
 10 and accurate transcription of said proceedings.  
 11 I further certify that I am neither kin  
 12 nor of counsel to the parties to said cause, nor  
 13 in any manner interested in the results thereof.  
 14 This 24th day of October, 2020.  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23

*Patrick Miller*

PATRICK MILLER, ACCR-631  
 Commissioner for the  
 State of Alabama at Large  
 MY LICENSE EXPIRES: 9/30/21  
 MY COMMISSION EXPIRES: 2/08/23

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ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

Meeting on 10/09/2020

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**ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION**

**Meeting on 10/09/2020**

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ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

Meeting on 10/09/2020

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**Part B**

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(Agenda Item 2)**

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

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

**Attachment 5 Resolution adopting amendments to ADEM Administrative Code 335-6, Water Quality Program Regulations, Chapter 335-6-5 (Indirect Discharge Permit and Pretreatment Rules)  
(Agenda Item 6)**

**Attachment 6 Order adopting Hearing Officer's Recommendation for Dismissal  
(Agenda Item 7)**



**Attachment 1**

9/9/20

AGENDA\*  
MEETING OF THE  
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: October 9, 2020

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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6. Consideration of proposed amendments to ADEM Administrative Code 335-6, Water Quality Program Regulations, Chapter 335-6-5 (Indirect Discharge Permit and Pretreatment Rules)	2
7. <u>GASP v. ADEM, and MRE Crossville, LLC</u> EMC Docket No. 18-04	2
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\* The Agenda for this meeting will be available on the ADEM website, [www.adem.alabama.gov](http://www.adem.alabama.gov), under Environmental Management Commission.

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

1. CONSIDERATION OF MINUTES OF MEETING HELD ON AUGUST 14, 2020

2. ELECTIONS

The Commission will elect a Commission Chair and Vice Chair.

3. REPORT FROM THE ADEM DIRECTOR

4. REPORT FROM THE COMMISSION CHAIR

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

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

6. CONSIDERATION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-6, WATER QUALITY PROGRAM REGULATIONS, CHAPTER 335-6-5 (INDIRECT DISCHARGE PERMIT AND PRETREATMENT RULES)

The Commission will consider proposed amendments to ADEM Administrative Code 335-6, Water Quality Program Regulations, Chapter 335-6-5 (Indirect Discharge Permit and Pretreatment Rules). Revisions to Chapter 335-6-5 are being proposed to add Rule 335-6-5-.23 (Requirements for Dental Dischargers) to incorporate the federal Effluent Limitations Guidelines and Standards for the Dental Category published on June 14, 2017 at 82 FR 27154. These federal technology-based pretreatment standards were established to reduce discharges of mercury from dental offices into municipal sewage treatment plants known as publicly owned treatment works (POTWs). The Department held a public hearing on the proposed amendments on August 25, 2020.

7. GASP V. ADEM, AND MRE CROSSVILLE, LLC, EMC DOCKET NO. 18-04

The Commission will consider the Hearing Officer's Recommendation of Dismissal. The Parties filed a Consent Motion for Voluntary Dismissal in this matter.

On June 11, 2018, the Petitioner appealed ADEM's issuance on May 11, 2018, of Synthetic Minor Operating Permits Numbers 703-0041-X012 and 703-0041-X013 to MRE Crossville, LLC for the company's wood pellet manufacturing plant located at 17551 Alabama Highway 68, Crossville, DeKalb County, Alabama.

8. OTHER BUSINESS

9. FUTURE BUSINESS SESSION

PUBLIC COMMENT PERIOD

BRIEF STATEMENTS BY MEMBERS OF THE PUBLIC REGISTERED TO SPEAK

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

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

**Attachment 2**

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

MOTION

Accept Sam Miller as Chair and

Tom Walters as Vice Chair

ORDER

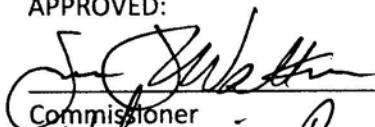
This cause having come before the Environmental Management Commission pursuant to the above motion, and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

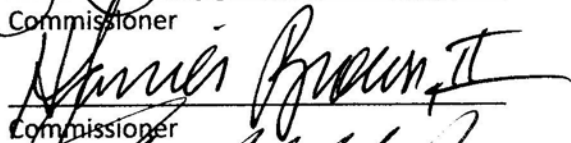
1. That the above motion is hereby adopted; and
2. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.

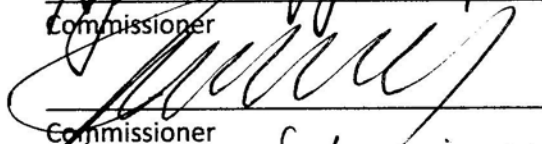
Environmental Management Commission Order  
Page 2

ISSUED this 9th day of October 2020.

APPROVED:

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner


  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

DISAPPROVED:

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

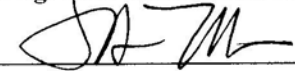
  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
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 October 2020.

  
\_\_\_\_\_  
Samuel L. Miller, Chair  
Environmental Management Commission  
Certified this 9th day of October 2020

**Attachment 3**





## Alabama Department of Environmental Management

### Shared AEMC / ADEM Plan Goals

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



## Alabama Department of Environmental Management

### 1. Effective and Responsive Commission

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

**2. High Performing Work Environment**

- Financial and physical resources
  - Stable state-sourced funding - \$4 mil. GF
  - Obtain other sources of funding - \$2.9 mil. grants
  - Birmingham & Mobile facilities - \$5.9 mil. RESTORE Act

**High Performing Work Environment**

- Human resources
  - Recruit interns & co-ops
  - Recruit minority & disadvantaged univ students
  - Professional development of personnel
    - Specialized leadership training
    - Professional accreditation training
    - Professional accreditation recognition
    - Remote workforce management training



**High Performing Work Environment**

- Data driven performance measurement
  - EPA dashboard analysis
  - Remote work productivity measures
- Promote innovation
  - Training programs
  - Virtual applications
  - Public outreach

**3. Credible Relationships with External  
Stakeholders**

- Engage private sector, NGOs, Fed & State
- Community engagement
  - Environmental Justice training for all personnel
  - Document community engagement



## Community Engagement

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

Updated October 2020



## Alabama Department of Environmental Management

### Credible Relationships with External Stakeholders

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



**Credible Relationships with External  
Stakeholders**

- Improved public communication
- Other objectives achieved and ongoing
  - Lead testing public schools
  - Lead testing daycares & Pre-K
  - PFAS testing all public water supplies
  - Optimize municipal waste water systems ops

**4. Efficient & Effective Departmental Ops**

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



## Alabama Department of Environmental Management

### Efficient & Effective Departmental Ops

- Emphasis on automation:
  - Develop & implement next generation software
    - Data entry, reporting, performance tracking
    - Integrated with regulated entities & EPA systems
    - FY 2020 milestones met – complete Q2 FY 2022
  - Cyber security enhancements



## Alabama Department of Environmental Management

### Efficient & Effective Departmental Ops

- Other objectives completed in FY 2020
  - Beneficial use program implemented
  - Fish tissue testing efficiencies
  - Joint wetlands application with USACOE
  - Water quality information signage program





## Alabama Department of Environmental Management

### Efficient & Effective Departmental Ops

- Other objectives ongoing in FY 2021
  - Formal & informal communication
  - Regulated industry education
  - State Revolving Fund loan marketing program
  - Optimize and possibly expand water assessments



## Alabama Department of Environmental Management

### Efficient & Effective Departmental Ops

- New objectives in FY 2021
  - Upgrade computer hardware & backup / recovery
  - Online Operator Certification Information sys
  - Air monitoring certification database for tracking
  - Implement comprehensive litter reduction
  - Optimize lab equipment replacement

**Attachment 4**



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

MOTION

Adopt the recommendation of the Personnel Committee

ORDER

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

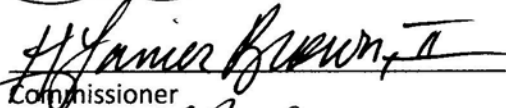
1. That the above motion is hereby adopted; and
2. That pursuant to the adoption of the recommendation of the Personnel Committee, the Personnel Committee Chair is authorized to meet with Director LeFleur regarding the Summary of Written Comments for ADEM Director Job Performance Evaluation and to execute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

Environmental Management Commission Order  
Page 2

ISSUED this 9th day of October 2020

APPROVED:

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

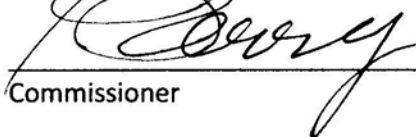
  
\_\_\_\_\_  
Commissioner

DISAPPROVED:

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

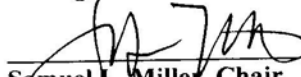
  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
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 October 2020.**

  
\_\_\_\_\_  
Samuel L. Miller, Chair  
Environmental Management Commission  
Certified this 9th day of October 2020

**Attachment 5**

**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 335-6 of the Department's Water Division's Water Quality Program Rules and Regulations 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.


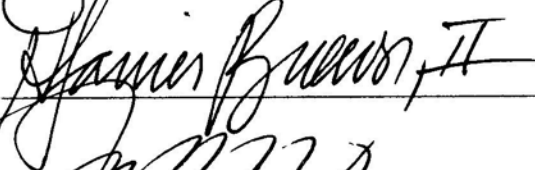


NOW THEREFORE, pursuant to Ala. Code. §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-6 [rules 335-6-5-.23/Requirements for Dental Dischargers (New)] of the Department's Water Division – Water Quality Program rules, administrative code attached hereto, to become effective forty-five days, unless otherwise indicated, after filing with the Alabama Legislative Services Agency.


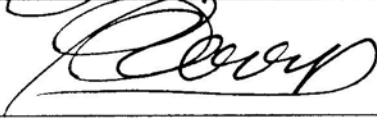
**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

ADEM Admin. Code division 335-6 – Water Quality Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 9<sup>th</sup> day of October 2020.

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 October 2020.

  
\_\_\_\_\_  
Samuel L. Miller, Chair  
Environmental Management Commission  
Certified this 9th day of October 2020

**Attachment 6**

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

In the matter of:	)	
GASP,	)	
Petitioner,	)	
v.	)	
ALABAMA DEPARTMENT OF	)	EMC Docket No. 18-04
ENVIRONMENTAL MANAGEMENT,	)	
Respondent,	)	
and	)	
MRE CROSSVILLE, LLC,	)	
Intervenor.	)	

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ORDER

Before the Commission in the above appeal is the Hearing Officer's *Recommendation of Dismissal*. Based upon the record in the proceeding, including the Parties' *Consent Motion for Voluntary Dismissal*, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the Hearing Officer's *Recommendation of Dismissal* is hereby adopted; and
2. That pursuant to the adoption of the Hearing Officer's *Recommendation of Dismissal*, the Commission orders that the above appeal is dismissed; and
3. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below; and
4. That a copy of this Order along with a copy of the Hearing Officer's *Recommendation of Dismissal*, attached hereto as Exhibit "A," and made a part hereof, shall be forthwith served upon each of the parties hereto either personally, or by certified mail, return receipt requested.

Alabama Environmental Management Commission Order  
Page 2

ISSUED this 9th day of October 2020.


APPROVED:

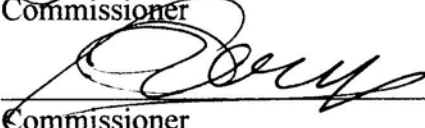
  
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Commissioner

  
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DISAPPROVED:

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Commissioner


\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

ABSTAINED:

\_\_\_\_\_  
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 October 2020.

  
\_\_\_\_\_  
Samuel L. Miller, Chair  
Environmental Management Commission  
Certified this 9th day of October 2020



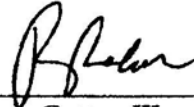
BEFORE THE ALABAMA ENVIRONMENTAL  
MANAGEMENT COMMISSION

GASP,	)	
Petitioner,	)	
	)	
vs.	)	EMC Docket No. 18-04
	)	
ALABAMA DEPARTMENT OF	)	
ENVIRONMENTAL MANAGEMENT,	)	
Respondent.	)	

**RECOMMENDATION OF DISMISSAL**

Upon the Consent Motion for Voluntary Dismissal filed by the Petitioner, GASP, the undersigned recommends to the Commission that this appeal be dismissed.

Done this 11 day of August, 2020.




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R. Rainer Cotter, III  
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Email [rrc@enterpriselawyers.com](mailto:rrc@enterpriselawyers.com)

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing on the following individual(s) by email and/or placing a copy of the same in the U.S. Mail, postage prepaid and properly addressed this 11 day of August, 2020:

Haley Colson Lewis, Esq.  
GASP  
2320 Highland Avenue South, Suite 270  
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[haley@gaspgroup.org](mailto:haley@gaspgroup.org)

RECEIVED
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ENV. MGMT. COMMISSION

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/s/ R. Rainer Cotter, III  
HEARING OFFICER