



ALABAMA ENVIRONMENTAL UPDATE

ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION MEETING OF APRIL 16, 2010

ADEM Director's Report

As an initial order of business, Acting Director Hagood noted that ADEM is currently on budget. He also indicated that ADEM had responded to the Alabama Rivers Alliance and 14 other Alabama environmental groups' petition to the Environmental Protection Agency ("EPA") to withdraw the state's authority over Alabama's water pollution permitting program. The petitioners allege that ADEM's program does not meet the minimum requirements of the Clean Water Act. There is currently no timeline for EPA's response to the petition, but Acting Director Hagood heard from EPA Region 4 that EPA's review will be performed as quickly as possible.

Acting Director Hagood announced that ADEM was awarded \$1.7 million in recycling grants across the state. With respect to air, Hagood stated that ADEM has sent a letter to EPA requesting redesignation of Jefferson County for attainment of the 24-hour standard for fine particulate matter. ADEM has also updated its website and complaint system so that they are more responsive programmatically. Acting Director Hagood also noted that ADEM has increased the number of NPDES inspections. Lastly, he thanked all of the employees at ADEM for their help making all of these accomplishments possible.

Consideration of Formation of a Stakeholder Committee to Study Air Toxics

The Commission approved the development of a, Air Toxics Stakeholder Special Committee with the mission of studying air toxics. The special committee will be made up of 18 members principally from Mobile and Jefferson Counties, where the primary number of air toxics sources are located. These members will consist of industry representatives, government representatives, private citizens, and environmental interest representatives.

Other Commission Actions

Turning its attention to ongoing administrative proceedings, the Commission acknowledged Petitioner Gulf Equipment Corporation's withdrawal of its appeal and request for hearing in *Gulf Equip. Corp. v. ADEM*, EMC Docket 10-01. The Commission also voted to approve the Administrative Law Judge's recommendation in *Friends of Hurricane Creek and Alabama Rivers Alliance v. ADEM and Tuscaloosa Resources*, EMC Docket No. 08-07. Lastly, the Commission approved a Joint Motion to Continue and for Placement on Administrative Docket in *De Nora Tech, Inc. v. ADEM*, EMC Docket No. 10-05.

Appointment and Salary for the New ADEM Director

Prior to nominating the new director, Commissioners Wainwright and Lester applauded Acting Director Hagood on the excellent job he had done as Acting Director. They indicated that Acting Director Hagood did not receive any type of additional compensation for stepping into this role. They thanked him, in particular, for improving the morale and productivity of the agency. Commissioner Lester then described the compensation package associated with the director position. The ADEM director will receive \$144,000 in compensation, 13 paid holidays, insurance, and other benefits.

Commissioner Phillips nominated Lance R. LeFleur to be the next director. All of the Commissioners present voted to approve this selection with Commissioner Wainwright abstaining from voting. Lance R. LeFleur lives in Montgomery, Alabama. He received his Bachelor's of Science Degree in Chemistry from Georgia Tech in 1969, Masters of Business Administration in Management/Finance from SMU in 1971, and Advanced Management Program at Harvard in 1983. From 1990 to the present, he has been the president and founder of Materials Recovery Corp. in Mobile, Alabama, which is a plastic re-processing and recycling company located on a Brownfield site. In 2009, he began consulting with the City of Montgomery, Alabama to advise them on the implementation of a plasma arc municipal solid waste gasification project. With respect to ADEM's Strategic Plan, LeFleur stated that he would focus on: 1) specific employee values for ADEM in order to boost morale; 2) science-based objectivity; 3) creating an explicit vision for air and water quality, recycling, and Brownfields redevelopment; and 4) reducing carbon-based wastes, which produce large amounts of methane, in order to improve air quality and reduce the potential for groundwater contamination.

Next Meeting

The Commission will hold its next regularly scheduled meeting on June 25, 2010.

Other Items

Balch & Bingham LLP now has a Southeast Environmental Law Blog. You can find the latest news and information concerning environmental law developments in the southeast at our blog at the following address: <http://www.balch.com/seenvlaw/>.

If you want to receive mobile alerts concerning environmental law developments, you can also follow us on twitter at <http://twitter.com/seenvlaw>.