STRATEGIC PLANNING STANDING COMMITTEE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
ALABAMA DEPARMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC MEETING
ANNISTON CITY MEETING CENTER
1615 NOBLE STREET
ANNISTON, ALABAMA

SEPTEMBER 22, 2005 - 6:00 p.m.

APPEARANCES:
Patrick H. Byington, Commission Member
Kenneth A. Hairston, Esquire, Commission Member
Onis "Trey" Glenn, III, ADEM Director
John P. Hagood, ADEM Executive Cousel



1 MR. BYINGTON: Good evening. My name is Pat
2 Byington and I am Chair of the Alabama
3 Environmental Management Commission's Strategic
4 Planning Committee and I want to thank you for
5 coming out tonight to our public meeting. I
6 would like to introduce you to several of our
7 folks who are here. To my left is Commissioner
8 Ken Hairston who is on the Strategic Planning
9 Committee, ADEM Director Trey Glenn, and
10 Executive Counsel John Hagood. We are here
11 tonight to have a listening session about the
12 Commission's Strategic Plan and I would like to
13 make a few remarks to let you know how we are
14 going to hold this meeting tonight and also to
15 give you some background.
16 In the fall of 2003, the Alabama
17 Environmental Management Commission voted to
18 develop a Strategic Plan for the Environmental
19 Management Commission and ADEM. This was the
20 Commission's first plan in 15 years.
21 Subsequently, in the course of the development of
22 the Plan, the Commission held in December 2003
23 public input listening sessions in Huntsville,



1 Birmingham, Montgomery, Dothan, and Mobile. In
2 the winter of '03-04, the Commission drafted and
3 wrote the Plan, received additional public
4 comments, and then adopted it on April 20th,
5 2004.
6 In the adopted Strategic Plan, the following
7 items were approved: number one, a vision
8 statement; number two, a mission statement;
9 number three, background which establishes the
10 Commission's authority to adopt the Strategic
11 Plan; number four, EMC goals and strategies which
12 included creation of a Strategic Planning
13 Standing Committee, External Relations Standing
14 Committee, Personnel Standing Committee, and a
15 Committee on Special Procedure. The Plan also
16 charged the Commission with considering ways for
17 the public and ADEM staff to provide input to the
18 EMC. This is one of the programs we are doing to
19 fulfill that aspect of the Strategic Plan.
20 The other areas in the Strategic Plan that
21 the Commission charged were ADEM goals and
22 strategies. This included number one, ADEM
23 funding, short falls, and how to address it;



1 external relations including increased media and
2 public outreach programs, better legislative
3 relations, executive branch relations, internal
4 efficiency, and effectiveness, technology
5 improvements. The Strategic Plan also identified
6 several environmental initiatives. These
7 included enforcement and administrative
8 penalties, a stakeholders group to address that
9 issue; quality of life issues; ADEM-initiated
10 rule making; and the expansion of pollution
11 prevention programs within the Department.
12 So tonight we are fulfilling one of the
13 Plan's initiatives. Our goal is to seek and
14 consider input from the public. Now, with that
15 said, here is tonight's agenda. The first part
16 of our agenda will be a report from the Director
17 of ADEM, Trey Glenn. He will be updating you on
18 some of the initiatives that the Department is
19 taking part in and actions they are taking to
20 fulfill our Strategic Plan. The second part of
21 the agenda is going to be as follows: we will
22 open the floor to public comments from the public
23 and I respectfully request that we keep the





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1 comments under five minutes. We are going to try
2 to get everybody in tonight and this will give
3 everybody an opportunity to speak. Third--and
4 this is very important--if you do not wish to
5 speak tonight but you would like to make some
6 comments about the Department and about the
7 Strategic Plan, please consider sending us
8 written comments. We have some fliers in the
9 back with addresses. We are going to be taking
10 comments up until the end of October and I also
11 add someone said is that the ultimate deadline.
12 We are always open for written comments about how
13 the Commission operates and the Department.
14 Let me also give you one little item of
15 background and that is this is our third public
16 meeting that we have held across the State. Our
17 first meeting was last Tuesday in Sheffield,
18 Alabama. We met last night in Guntersville. Of
19 course, tonight we are here in Anniston. We are
20 going to be on October 4th in Tuskegee and on
21 October 5th, we are going to be in Troy, Alabama.
22 We are planning two additional meetings. One
23 will be in Selma and the other will be in coastal

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1 Alabama. Obviously, we have not scheduled that
2 meeting yet because of Hurricane Katrina, so we
3 are going to be giving that a little bit of time.
4 We hope to have that meeting at the end of
5 October.
6 One last comment and request--and this is
7 just a respectful request I would like to
8 make--is that if you can please refrain from
9 making comments about matters that may concern
10 future, pending, or current permits that involve
11 ADEM. And what I mean by that is if you know --
12 if you want to make a comment about a future
13 project that the Department is considering a
14 permit, please do not make comments on that
15 tonight. The reason why I ask you to
16 respectfully do this is because the Commission
17 and I--Ken and I--one of our roles is to hear
18 appeals for permits and it's one of our judicial
19 roles as a Commissioner, so we don't need that
20 kind of communication that would affect a
21 potential appeal to a permit. Just please
22 consider that and if we can keep to the broad
23 context of the Strategic Plan.

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1 With that said, I want to thank you again
2 for coming here and Director Glenn will be making
3 a few comments. Thank you very much.
4 MR. GLENN: Pat, thank you and Ken. We
5 appreciate the leadership of the Environmental
6 Management Commission. I appreciate the
7 opportunity to be here. This is my first time
8 being in Anniston since I have been Director of
9 ADEM in a public meeting, public forum. I have
10 been up here several times talking about specific
11 issues and I welcome this opportunity and look
12 forward to meeting and chatting with you about
13 all things we have going. We do have a lot of
14 things going in Alabama. We have a beautiful
15 state, we have got a lot of natural resources
16 that I know we are all very proud of. We have
17 got a lot of growth and economic development
18 potential. Just riding around this afternoon, we
19 had a few minutes before we came here to go chat
20 with Mr. Conroy and go look at some stuff going
21 on at Fort McClellan. The things happening here
22 are outstanding. It's just amazing. It's like
23 that in Alabama everywhere and you can balance

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1 the two. You can balance the preservation of
2 natural resources, even the cleanup of our
3 natural resources and growth and economic
4 development. We can do that. We do that. We
5 look forward to doing that more each day and
6 being more effective and efficient in doing that.
7 That's one of the guiding principals that I have
8 in the job that I am in right now and I
9 appreciate the opportunity that Pat and Ken and
10 the other five commissioners have given me to
11 serve Alabama in this capacity. I am passionate
12 about the state. I was born and raised here in
13 Alabama. I want to remain in Alabama. I want to
14 raise my kids in Alabama and I want them to have
15 even a better State than what I had as a young
16 child. I want this State to continue to grow and
17 develop and move forward in the direction that
18 she is going right now.
19 Pat mentioned the Strategic Plan. Actually,
20 I was interviewed for this job on that Strategic
21 Plan. I know Pat mentioned this but there are
22 copies of that plan in the back. If you don't
23 have one, they are on the website, so please feel





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1 free to pick one up. But that is our guiding
2 principal we have been operating from, something
3 that we reference almost every day and look at
4 how that Plan speaks to a lot of the issues that
5 we are facing today. So I welcome the
6 opportunity to hear how that's going and get
7 input on that and we continue collectively as a
8 Department and Commission to move that forward and
9 follow that plan.
10 Pat mentioned funding, external relations,
11 efficiencies and technologies, environmental
12 justice, pollution prevention. The Plan outlines
13 several steps and we have been taking steps since
14 day one to implement that Plan to improve
15 communications, file reviews, environmental
16 justice. We have taken tangible steps and moved
17 forward. Changes have been made. Changes
18 continue to be made. We spent the bulk of the
19 day today talking about specific issues and
20 addressing some areas that might need to be
21 improved and implementing the solutions.
22 One thing that I recognize and that all of
23 you have recognized is in the past ADEM has not



1 had the best public image. Y'all don't hold
2 meetings up here and hold up ADEM as great
3 banners everywhere and that's the situation that
4 we are in and I recognize that; I appreciate
5 that. But we are improving that image. We will
6 improve that image. We will work with our
7 elected officials. I want to take this time to
8 recognize and give our thanks to Representative
9 Fite and Dr. Boyd who are here in the audience,
10 and just the working relationship that we have
11 with them and that our staff has with them
12 because it takes all of us working together
13 moving the State forward and we are doing that
14 and we are continuing to find ways to improve
15 upon it. I really on behalf of the Department
16 and Commission want to thank you for being here
17 tonight and thank you for what you do in
18 Montgomery every day. These people have the hard
19 job and they really have a very difficult job
20 every single day in trying to balance all their
21 needs of this great State and look at limited
22 resources, look at addressing the issues that we
23 face, and we appreciate what they do.



1 We have some of the similar issues going on
2 in Alabama. We have limited resources in some
3 areas. We have a lot of needs in some areas.
4 You have a lot of concerns, some of them which
5 may have been addressed, some of them which may
6 not have been addressed; every one of those
7 extremely important to us. As I mentioned, we
8 are taking very tangible steps on efficiencies,
9 on using new technology, on developing an
10 environmental justice program in the Department,
11 on enhancing our notification procedures, on
12 looking at how our permits are written and what
13 they are doing. We've made specific changes on
14 enforcement orders and penalties, the process
15 that we go through sometimes in compliance
16 discussions with people. So it's been exciting
17 for the last seven-and-a-half months since I have
18 been there and there is a whole lot more work
19 collectively we have to do and I am looking
20 forward to doing that.
21 With that said, I want to get to hear what
22 you have to say because this is helpful for me to
23 understand what your concerns are, what your



1 issues are, and I look forward to working with
2 you to address every one of them. Thank you
3 again for the opportunity to be here.
4 Again, if you came in and didn't sign one of
5 the blue cards, you need to please do so. If you
6 want to make a statement, please mark yes on
7 there and we will make sure we address that.
8 MR. BYINGTON: My job now is to be standing
9 up and say names. Like Director Glenn said, if
10 you haven't signed up, and if you could do this,
11 you could sign up and just provide Mr. Hagood
12 with the blue card, especially if you are going
13 to be speaking so I can have that, and I can see
14 that we have got a pretty good list of folks who
15 want to speak tonight. I would like to request
16 we keep it to under five minutes, your
17 presentation, and that will be real helpful for
18 us to make it through in an efficient way
19 tonight. I also see back in the room there Pete
20 Conroy and I want to thank Pete for helping us
21 set up the meeting tonight. He's with the
22 Jacksonville State University Environmental
23 Policy and Information Center and I want to thank





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1 you, Pete.
2 Our first speaker is Tricia Sheets.
3 SPEAKER - TRICIA SHEETS: I want to thank
4 you for the opportunity of being here today to
5 talk about the Strategic Plan for ADEM. Again,
6 my name is Tricia Sheets. I am Staff at the
7 Cahaba River Society and I'm here to speak to you
8 on behalf of our organization. I have been
9 working in the conservation field for the past 15
10 years addressing water quality problems
11 especially in the Cahaba Basin. During that time
12 I have worked very closely with many ADEM staff,
13 with a lot of EPA staff, and I have also served
14 in Washington, D.C. on a federal advisory
15 committee. I am excited to see this Strategic
16 Plan for ADEM coming forward. There is a lot of
17 tremendous potential here for change, a lot of
18 very good ideas to be implemented, but I think it
19 will take the State Agency much further forward.
20 It also has a very important component which is
21 public involvement. I am always pleased to see a
22 state agency, any bureaucracy that will allow the
23 public to be a part of the decision-making

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1 process that takes place. I've read the
2 Strategic Plan. You have got some very sound
3 recommendations in there with a lot of
4 opportunities to address some aspects of ADEM
5 work that everyone has not found to be totally
6 adequate in the past. I only have five minutes.
7 I guess the one key point that I want to address
8 tonight is to effect the enforcement which is
9 discussed on page ten of your Strategic Plan.
10 For many years, there has been a lot of problems
11 with enforcement. We often call for enforcement
12 activities to take place. How effective they are
13 is another matter. Within our particular basin,
14 there have been violations that have continued to
15 occur for more than a year. A water quality
16 violation that goes on that long does very
17 serious, serious damage to the environment.
18 Letters are written to the violators,
19 administrative orders, consent decrees are
20 issued, but water quality violations continue
21 particularly in the Cahaba Basin which is a major
22 source of water supply for the Birmingham area,
23 actually a five-county area. It's nationally

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1 recognized for its vital diversity, but
2 unfortunately it's also listed as an impaired
3 water under the Federal 303(d) listing for
4 nutrients and sediments. We have development
5 sites that continue to receive permits, general
6 permits into a stretch of the river that's
7 already Federally-impaired saying that there is
8 too large of a loading for that section. To
9 continue to issue permits for more of those
10 pollutants to be discharged to me is a problem
11 that ADEM should be looking at. The fact that
12 even when enforcement orders are issued, the
13 water quality violations continue is an even more
14 serious problem. So what we find is that in many
15 ways the permits are not entirely adequate in
16 order to protect the environment. The penalty
17 calculations that have been done in the past--and
18 I understand there are some changes and I am
19 excited to hear that--have not been adequate to
20 achieve compliance with the issues.
21 The other area that there is a serious lack
22 of is timely detection investigation into the
23 enforcement when the violation occurs, a lot of

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1 the inspection services we found in the past are
2 completely complaint driven, so that citizens are
3 the ones that if they do not know how to contact
4 the agency and do it in a process, the site may
5 not be inspected or those violations may go
6 undetected.
7 Also, in your Strategic Plan, you have a
8 great deal of information about technology
9 improvements. There is a lot of technology that
10 would help the State Agency and the staff. One
11 very simple method would be to use aerial
12 flights, which I understand is also being
13 considered by the Agency. We use that technique.
14 It's been very effective. You can cover a
15 tremendous amount of ground in one afternoon
16 flying over a river basin. Your staff wouldn't
17 necessarily have to take the flight. You can
18 always order aerial photography so that it comes
19 back and you have the documentation in place.
20 The ability to put violation orders on the
21 website would be very helpful. It would save
22 yourself a lot of time when we have to go to
23 Montgomery or to a field office to do file





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1 inspections and when we have to order the files
2 for every particular facility that a particular
3 entity may have permitted. So cumulative
4 violations would be very important when you take
5 into consideration what's taking place.
6 So I think there is a lot of room for
7 improvement in the enforcement side and the
8 penalty side for the Agency and I look forward to
9 seeing those changes in the future. Thank you.
10 MR. BYINGTON: Thank you. I forgot one item
11 at the beginning of my comments. We do have a
12 court reporter here and if you can say your name
13 at the microphone and where you are from, so if
14 you could do that before you make your comments.
15 One last thing about the court reporter, and I
16 think this is very important, we do have two
17 commissioners here. Four of our commissioners
18 live south of Birmingham in Mobile and Dothan and
19 those areas so they are going to be getting
20 transcripts and we also intend to -- we hope to
21 if there is enough server space, we do hope to
22 publish the comments here on our website--the
23 Department website--so everything you say here is

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1 going to be transcribed and out to the public.
2 Our next speaker, Rose Munford.
3 SPEAKER - ROSE MUNFORD: Good evening.
4 Thank you for allowing me to come. My name is
5 Rose Munford. I am a citizen of Anniston and my
6 concerns is will ADEM have a bigger input -- you
7 know, we have this large PCB cleanup and getting
8 ready for the lead cleanup. Will we see more or
9 someone as a representative from ADEM have more
10 of an involvement as a back support making sure
11 that the citizens of Anniston and the areas are
12 cleaned up a lot more properly? Basically in our
13 meeting here is basically the EPA and those
14 entities that are involved, but will we have
15 anyone from ADEM that will be also as a forefront
16 coming forward to as reinforcement looking out
17 for the betterment of this community involved in
18 this cleanup?
19 MR. GLENN: The answer to that is yes.
20 SPEAKER - ROSE MUNFORD: Thank you.
21 MR. BYINGTON: Thank you. Our next speaker
22 is Foster Hartline.
23 SPEAKER - FOSTER HARTLINE: I would like to

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1 thank you for allowing me to talk to this group
2 here tonight at this public meeting. My name is
3 Foster Hartline. I live in the Ider community on
4 Sand Mountain in DeKalb County. I am a member of
5 the Sand Mountain Concerned Citizens. Sand
6 Mountain Concerned Citizens is one of the 38
7 organizations that form ARC, ADEM Reform
8 Coalition, and submitted a plan for reform of the
9 Alabama Department of Environmental Management in
10 2003. I think these meetings are good for the
11 on-going development of the Strategic Plan that
12 was discussed earlier by Pat. This Plan is off
13 to a good start but it needs to keep moving
14 along.
15 One reason that I am here tonight is that a
16 CAFO has operated within two miles of my home for
17 over five years without a permit and since 2001
18 without compliance with ADEM orders. ADEM has
19 not enforced the environmental regulations
20 concerning this CAFO. Although you fellows that
21 are here tonight are relatively new in your
22 positions, I just wanted to point out we still
23 don't have enforcement of the law. We need to

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1 work for effective development of that. I would
2 like to add that there is now a federal lawsuit
3 against this CAFO pollution in the Tennessee
4 River. I think that environmental permits should
5 be designed and written to provide environmental
6 protection for Alabama and its residents, not as
7 a license to pollute. Permit violations should
8 be enforced but penalties that are determined to
9 pollution -- by that, I mean they should be
10 enforced in a way that industry doesn't consider
11 them as a cost of doing business. Also, the
12 facilities that are permitted need to be
13 inspected to check for compliance with permit
14 conditions. These permit improvements and
15 inspections would require funds that may not be
16 available to ADEM at the present time and,
17 therefore, a review of the total ADEM operations
18 and financing should be made. Several
19 modifications may be required for the operations
20 of ADEM for the next months. It is expected that
21 additional funds will be required from the
22 Alabama legislature to properly operate. The
23 excuse we don't have the funds is not a valid





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1 reason for not enforcing Alabama Environmental
2 Law.
3 This brings us to another point for tonight.
4 Governor Riley should proceed with the
5 appointment of two environmental management
6 commissioners immediately. The terms of Dr.
7 Sanders and Mr. Wainwright have been expired for
8 over a year now. Maybe Governor Riley should
9 also consider some applicants from the northern
10 section of Alabama. I believe it is mostly from
11 Birmingham south that we have commissioners,
12 which a lot of them do a good job, but it would
13 be nice to have somebody from the northern
14 section of the State. This failure to get these
15 guys appointed that terms have been expired for a
16 year appears to be politics and favoritism to
17 some of the industrial groups in the State.
18 We are hopeful that the present
19 commissioners and ADEM management can correct the
20 many problems facing them. Thanks.
21 MR. BYINGTON: Thank you. Debbie Pezzillo.
22 SPEAKER - DEBBIE PEZZILLO: Thank you for
23 the opportunity to speak. I am Debbie Pezzillo

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1 of Leeds, Alabama. I am president of the Friends
2 of the Little Cahaba. I am on the board of
3 directors for the Cahaba River Society. I am on
4 the board of directors for Friends of Rural
5 Alabama. The little Cahaba River is my back
6 border, Highway 119. State Highway 119 is my
7 front border. I have seen the little Cahaba run
8 red with mud consistently, continually from ADEM
9 regulated development sites, from local quarries
10 that has problems with it getting into its mild
11 deep quarries and they pump it directly. Some of
12 these kinds of activities continue. There is
13 blasting from the quarry in the community where
14 we live that have caused sink holes to open up by
15 the hundreds. One is right on the road right in
16 front of this quarry right now. You can't
17 drive -- it's a public road. You can't drive on
18 it because there is a big sink hole there. The
19 blasting has caused foundations to crack and
20 weaken. I think this particular agency has
21 actually bought some homes around. When people
22 complain to them about the sink holes, they come
23 out and fill them up with cement. It continues,

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1 so I haven't seen much of a change, I am sorry,
2 Mr. Glenn, since you have taken office. I was,
3 along with many Alabamians, very hopeful when you
4 took office. I am still hopeful that ADEM will
5 become an agency of environmental protection that
6 will protect the health and safety of Alabama's
7 communities.
8 Our Congressman Artur Davis in his address
9 to us in the sustainable development summit says
10 that a program community development agenda must
11 not be short-sighted. We must exercise favorable
12 stewardship of our sources, not only to have a
13 thriving economy and communities for today but to
14 ensure future economic and community vitality.
15 This balance is delicate but yet necessary to
16 establish and our goal is to seek the answers on
17 how to strike that balance. That is my goal, the
18 goals of the organizations with which I am
19 involved, and I know it is the goal of ADEM
20 Reform Coalition. I am not part of that body but
21 I do applaud what they have to say. I know you
22 have had the wisdom to meet with them and you
23 recognize that many of them are experts in the

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1 fields of environmental science and technology,
2 in the law-making process. They have devoted pro
3 bono hours and a lifetime over of service. They
4 are serious about doing something about the image
5 that Mr. Glenn says ADEM has, that of rubber
6 stamping of pollution or licensing pollution.
7 And I challenge Mr. Glenn in his new role as
8 director to help us change that image, to help us
9 keep and make Alabama beautiful and healthy and a
10 desirable place to live and ADEM can begin to
11 change its image by making just that its number
12 one goal, maybe even changing its name to the
13 Alabama Department of Environmental Protection.
14 MR. BYINGTON: Thank you. I hope I get this
15 right, Reverend Judge L. Stringer? He is not
16 here yet. I will put him on the back so when he
17 walks in. The next speaker, Rufus Kinney.
18 SPEAKER - RUFUS KINNEY: I have not formally
19 addressed ADEM or the Environmental Management
20 Commission since 2001, so it's been a long time.
21 And I am very receptive to the changes and the
22 commitment to the changes that you have given us;
23 thank you for that. And I know your sincerity in





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1 working towards these is real. I was not around
2 when some of you had the courage to invite Mr.
3 Warr to retire. And those who were involved in
4 that, some of whom are here tonight as I
5 understand it, thank you for doing that. I
6 understand you invited him to retire and he did
7 not or attempted not to and then you invited him
8 again and finally he retired; is that correct?
9 Is he now gone? Thank you so much for doing
10 that. His leadership was a disgrace. Thank you.
11 I am very sincere about that. I am not trying to
12 be sarcastic. Thank you for working to change
13 this image and really protect us and not be a
14 rubber stamp for polluters.
15 I am here to talk about -- and I have a
16 written statement that I will submit by mail as
17 you asked. So this will allow me to be five
18 minutes or less. I am concerned about and I
19 really want to give you a heads-up on something
20 that's coming up in the near future, but is not
21 with us yet and that is mercury contamination
22 involved with the destruction of the chemical
23 weapons through the incinerator that we have here

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1 in Anniston. Now, there is a -- first of all, I
2 hope we all who are here know the toxicity of
3 mercury and what it does; it's extremely toxic.
4 And in our country, we have worked through the
5 federal government and its state levels to reduce
6 lead and that's good, but at the same time
7 mercury which is equally toxic, the Federal
8 Government right now is trying to loosen the
9 standards on mercury emissions and I understand
10 that perhaps the State Government is doing that
11 as well. We know that mercury causes problems
12 that had not really in addition to the cancer and
13 the other problems, birth detects and so on, only
14 in the last few years has it been revealed that
15 mercury also causes learning disabilities in
16 children. And I want you to all see that the
17 cover story of the June 19th, 2000 issue of U.S.
18 News and World Report, a conservative magazine,
19 did its cover story "Kids at Risk, New Evidence
20 Points to a Link Between Environmental Poisons
21 and Learning Disabilities;" and the head
22 paragraph and much of the article was about
23 Anniston. And several pages of this article were

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1 devoted to a discussion of the learning
2 disabilities of students and children who live in
3 Anniston. To my knowledge, nothing was ever done
4 about this. I submitted this to many agencies
5 and people in charge of the public's trust and I
6 don't know if anything was ever done about it.
7 So please -- I'll include a copy of this article
8 with what I send you. So I won't go on and on
9 about the dangers of mercury. I think we agree
10 and yet the Federal Government is trying to
11 loosen the standards which is unconscionable.
12 The heads-up I wanted to give you was this:
13 the amount of mercury in nerve agents and weapons
14 containing nerve agents is different from the
15 amount of mercury in mustard and weapons
16 containing mustard agent. In the state of Utah
17 which is beginning now to work towards destroying
18 its mustard, because nobody has destroyed -- none
19 of the incinerators have yet destroyed the
20 mustard agent. As Utah considers that, because
21 they are further along with their destruction
22 than we are, they have discovered extremely high
23 levels of mercury within the mustard agent much

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1 higher than within the other weapons. Regardless
2 of whether incineration emissions of any kind are
3 "safe," it is clear to the Army and the State
4 regulators in Utah that the incinerator cannot
5 burn mustard agent as it has burned nerve agents
6 because there is simply too much mercury coming
7 out of the smoke stacks. The extent of the
8 problem in Utah is such that the Army is actually
9 building a neutralization process to treat the
10 mustard agent that has mercury before it can be
11 further processed. Let me say that again. The
12 Army is altering its incinerator in Utah with a
13 neutralization process to treat mustard agent
14 with the highest concentrations of mercury
15 because the mercury emission from the incinerator
16 would greatly exceed State and/or Federal mercury
17 limits. And for the mustard agent with lesser
18 amounts of mercury, the solution is to simply
19 slow down the processing rate of the mustard
20 field weapon so as to stay within the State
21 and/or Federal guidelines, but this in no way
22 reduces the amount of the mercury being released
23 into the environment. It merely sends it out





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1 into the air more slowly over a much longer
2 period of time.
3 Here in Anniston it will be a while before
4 we address the destruction of the nerve agent so
5 we have time to look into this. I think, and the
6 people that I have been working with on this
7 issue for a long time, we feel that the solution
8 would be a plan to neutralize the mustard agent
9 here in Anniston and thus prevent the
10 uncontrolled release of mercury out of the
11 incinerator smoke stack and into our air, water,
12 food, and bodies. We can be for once with regard
13 to the chemical demil program, we can be a
14 national leader here in Alabama if ADEM would
15 look into this, realize that it's a huge problem.
16 Believe me, the Army knows that this is a huge
17 problem. Their incinerators as they are working
18 are not coming anywhere near meeting the
19 requirements and so that's why they are going to
20 neutralize part of these weapons before burning
21 the rest of them.
22 I just wanted to give you this heads-up to
23 please look into this, realize that mercury is



1 going to be one hellacious problem when it comes
2 to burning the mustard in Anniston, which will
3 not commence for a while so y'all can really help
4 us with this and be a leader and give Alabama a
5 reputation for leadership and protecting the
6 environment while within the other.
7 Here is my last point and I am almost
8 finished. If the responsibility of ADEM is to
9 protect the environment and health of Alabama
10 residents, if our well-being is, in fact, a
11 priority and not protection of the profit of coal
12 companies and not the protection of the profit of
13 chemical companies and not the profit of Army
14 contractors or to save face for the Army, then it
15 must act to address this issue soon. I trust you
16 will do that and thank you so very much.
17 MR. BYINGTON: Thank you. Our next speaker,
18 Peggie Griffin.
19 SPEAKER - PEGGIE GRIFFIN: I am Peggie
20 Griffin with the Alabama Sierra Club. Quite a
21 few years ago, I was among a small group of
22 environmentalists who were allowed to listen in
23 on a nation wide meeting with all the state



1 directors of environmental management agencies,
2 and these were states that were being considered
3 for the chemical weapons destruction programs.
4 Each director was given an opportunity to ask 20
5 questions about what would happen in their states
6 if chemical weapons destruction programs were
7 created there. When it was Alabama's director's
8 turn, his first question was something like this:
9 "what do you want me to say"? Unfortunately,
10 that has characterized ADEM's stance in
11 protecting its citizens from corporate pollution.
12 We now have a new director and we have a
13 commission that has some members who are
14 listening to our citizens. We also have the ADEM
15 Reform Coalition that has worked long and hard
16 hours to make some recommendations that would
17 help ADEM protect the citizens of Alabama and not
18 protect the polluters.
19 On behalf of Sierra Club members across the
20 State, we urge you to adopt these recommendations
21 and to make Alabama a State that is respected for
22 being a good, safe, and healthy place to live; a
23 State that is safe from pollution. We don't want



1 the polluters to be safe from us. Some of the
2 suggestions that we feel that are most critical
3 are one, ADEM must stop permitting the polluting
4 facilities without regard to the cumulative
5 health effects of multiple toxic pollutants from
6 multiple facilities. Number two, make permits
7 adequate. Write permits so they actually protect
8 the people of Alabama rather than giving the
9 polluter a license to pollute. Three, get more
10 inspectors into the field so that unannounced
11 inspections can take place and so that
12 inspections can take place immediately when
13 members of the community call for them. And
14 fourthly -- these are not all by any means, but
15 these are four that are dear to our hearts.
16 Four, we must all work together to increase
17 ADEM's funding. Thank you.
18 MR. BYINGTON: Thank you. Next speaker is
19 Dr. Lenworth Westbrook.
20 SPEAKER - LENWORTH WESTBROOK: I am Dr.
21 Lenworth Westbrook. I am a spearhead in United
22 Americans Against Pollution. My question to this
23 panel tonight is what are we planning at this





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1 moment to prevent any further contamination in
2 the State of Alabama for PCB? We don't ever want
3 to have that kind of catastrophic problem like we
4 had this go around. We need something to be done
5 now to prevent this from ever happening in the
6 future. Also, I am very concerned about what we
7 call the indoor air pollution. Of course, you
8 know, cleaning up the yard is fine but what about
9 the pollution that has gotten inside the homes.
10 We are concerned about that. A lot of people ask
11 me several questions concerning that. So I
12 challenge this Board here to deal with this
13 matter and hopefully come up with a solution.
14 Thank you so much for coming.
15 MR. BYINGTON: Thank you. Paul Chastain.
16 SPEAKER - PAUL CHASTAIN: My name is Paul
17 Chastain. I have been here pretty near all my
18 life except for three years I was away in World
19 War II. And I have been opposed to this
20 incineration plant ever since before it started
21 because I didn't think they would be able to do
22 what they say they can do and that is, destroy
23 the chemicals to 100 percent efficacy. And they

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1 are unable to do it and they admit it, which
2 means that we will be poisoned being emitted into
3 the air all the times the furnace is operated.
4 And so, therefore, I was just wondering if there
5 will be any monitoring of the citizens living
6 around the depot. I would think there would be
7 monitoring the health of those inside, the
8 workers, but those living outside the depot
9 unless their health is monitored on a regular
10 basis, they could come down with some kind of
11 disease and be incurable and we certainly
12 wouldn't want that to happen. I haven't read a
13 thing about any kind of monitoring system for the
14 citizens being in place and so that's why I
15 really request that this be put in place. That's
16 the only protection the citizens can have. We
17 see what happened out at Monsanto through the
18 years of PCB's being emitted and how it affected
19 people. PCB's are being emitted now in these
20 furnaces out there plus other poisons, also. And
21 unless their health is monitored, it could be
22 destroyed by the time they go to a doctor. So I
23 think it should be on at least a semi-annually if

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1 not quarterly where -- at the very minimum, it
2 ought to be semi-annually, though. Anyhow,
3 that's what I would recommend that you look into
4 and put in some kind of monitoring system in
5 place for the welfare of citizens especially
6 those that are immediately outside that depot.
7 Thank you.
8 MR. BYINGTON: Thank you. Nelson Brooke.
9 SPEAKER - NELSON BROOKE: My name is Nelson
10 Brooke. I am from Birmingham, Alabama and I am
11 the river keeper on the Black Warrior River in
12 Alabama. There are a few issues that I wanted to
13 bring up to y'all today. I have been operating
14 as the river keeper for almost two years now and
15 in that short time I have come across many issues
16 that are disturbing to me in my job of protecting
17 the Black Warrior River from all sorts of
18 pollution. The first thing is permitting by ADEM
19 of pollution. The Clean Water Act, as you know,
20 was established in 1972 to supposedly eliminate
21 this discharge to waters of the United States.
22 The National Pollution Discharge Elimination
23 System was created to hopefully do that. And as

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1 you know today, we are actually permitting new
2 dischargers as opposed to eliminating them. This
3 could be a good thing if the permits were made
4 stringently. However, a lot of these permits are
5 being written in what I see as a short-sided
6 manner. Something called mixing zones is allowed
7 by ADEM and this is not something that is allowed
8 by all state agencies. A mixing zone, as you
9 know, allows a permittee to discharge pollutants
10 in excess of water quality standards that are
11 established to protect water quality and it
12 allows these toxic substances to basically mix
13 and integrate into the river and then disperse.
14 Dilution is not the solution to pollution and I
15 would urge ADEM to step forward and make the
16 permits more stringent and not give gifts to
17 polluters so that they have less money to spend
18 in their operations. Number two is enforcement.
19 Enforcement is a major issue with ADEM and, of
20 course, you know that. The lack of funding keeps
21 you from hiring more employees. We all want to
22 help you raise more money. But in enforcement,
23 you need more employees in the field, more field





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1 operatives to do inspections. Usually, you have
2 maybe one or two inspectors for an entire county
3 and that's just simply not enough.
4 My job is to protect the whole Black Warrior
5 River and I know that is a hard thing to stretch.
6 With all of the different issues facing ADEM, one
7 inspector per county is not enough. I know you
8 have more in some counties, but the experience
9 has been they can't get feedback to people who
10 call in complaints and they have very little
11 knowledge of what was done to correct the issue.
12 Compliance involving ADEM's involvement with
13 permitted polluters is questionable in many
14 instances and in those instances polluters are
15 allowed to discharge pollutants over an extended
16 period of time. They are given notices of
17 violation over this extended period of time but
18 there is no penalty given and it takes an
19 extended period of time sometimes for some
20 polluters for anything to be done as far as
21 penalties assessed or orders issued. By that
22 time, a year has gone by and a lot of pollution
23 has occurred to a particular stream, in some



1 cases filling up completely with sediment to the
2 point at which it is no longer a passage for
3 liquids. In penalty assessments, I know that
4 ADEM is addressing this and I would just
5 encourage you to further assess the situation and
6 give out penalties which actually deter polluters
7 from polluting, not small fines that send the
8 wrong message that they can just fit into their
9 budget and keep on with the process.
10 The availability of records is also another
11 issue for me and other citizens across the State.
12 We have to drive all the way down to Montgomery
13 to look at files which are often inadequate and
14 lack up-to-date records. Now, especially today
15 driving that far and not even having what should
16 be in the file is very frustrating for many and I
17 know that you are working on putting stuff on-
18 line and I would really encourage that because
19 people would be able to get stuff on line without
20 having to drive and hopefully everything would be
21 there and be up-to-date. That way it wouldn't be
22 keeping files off of your employees desk if they
23 were working on that file.



1 And lastly, the 303(d) process and then the
2 ensuing TMDL's, total maximum daily loads, we
3 have a number of streams in Alabama which are on
4 the 303(d) list of impaired water bodies. For
5 example, Opossum Creek in Jefferson County is on
6 the 303(d) list for mercury as well as other
7 pollutants. I won't name them all. This, of
8 course, is in a steel hot bed in Fairfield. This
9 creek was slated to have a TMDL written by 2004.
10 We are in 2005 and it has not happened yet. It's
11 been pushed back, as I was told, to at least '07
12 or '08 and this is just too long a period of time
13 for us to wait for these creeks to be cleaned up.
14 Opossum Creek is slated for agricultural and
15 industrial use classification which is
16 unacceptable under the Clean Water Act.
17 I would like to see ADEM take a more
18 proactive role in tackling 303(d) streams that we
19 already have listed in getting them better
20 protection. As well as essaying further issues
21 throughout the State, there are many streams that
22 need to be put on the 303(d) list which are not
23 currently on it and I would be happy to work with



1 you all to help those streams out.
2 Thank you so much for allowing me the time
3 to come and speak.
4 MR. BYINGTON: Thank you. David Whiteside.
5 SPEAKER - DAVID WHITESIDE: My name is David
6 Whiteside. I am founder of Black Warrior River
7 keeper. I work with Nelson Brooke who just
8 spoke. We are based in Birmingham, Alabama. I
9 founded the Black Warrior River keeper because
10 there was a need to enforce the laws in the Black
11 Warrior basin because ADEM was not doing their
12 job. ADEM, their job is to enforce the
13 environmental laws and to protect the air and
14 water for the people of Alabama and in my
15 experiences with the river keepers, we found that
16 they are generally protecting businesses and the
17 big taxpayers more than they are protecting the
18 people. Very often whenever we go to Montgomery
19 to ADEM's office to look at these polluters'
20 files, it's not rare that we find illegal
21 violations within these files and these are
22 violations that ADEM knows about and for one
23 reason or another have not taken appropriate





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1 actions. So the river keepers are using the
2 citizens enforcement provisions of the Clean
3 Water Act, we enforce the law. And the law in
4 the Clean Water Act says if your State government
5 is not protecting your water, then the citizens
6 have a right to do so because we all depend on
7 our water. The Clean Water Act also --
8 originally, the writers of the Clean Water Act
9 wanted to eliminate discharges and that's why
10 it's called The National Pollution Discharge
11 Elimination System. But when we go to ADEM, we
12 find these files and we find these many illegal
13 violations. We file a suit and oftentimes after
14 ADEM has chosen to not enforce the law, we will
15 file a notice of intent to sue which gives us 60
16 days, which gives the polluters 60 days to clean
17 up their act and oftentimes ADEM comes in and
18 issues the minimum penalty to these polluters.
19 So we are concerned, without speaking about
20 specific litigation, we are concerned with the
21 penalties that ADEM has been accessing against
22 these polluters. We would like to see stronger
23 penalties issued so that these polluters are not

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1 expecting a slap on the wrist when they violate
2 the law.
3 One more issue, and there are many that we
4 could talk about and Nelson Brooke just covered
5 many of them, but another issue is the access to
6 files. We do view these files a lot because they
7 are public records and the public has a right to
8 look at these files and oftentimes we have to
9 drive down to Montgomery to look at these files
10 and these files are often not complete. The
11 majority of these files are not complete.
12 They are missing their discharged monitoring
13 reports. They are missing the most current
14 discharged monitoring reports, and that's
15 unacceptable. These files should be complete.
16 They should be ready for the public and that is
17 not the case. I would encourage putting them
18 on-line but before you put them on-line, you
19 should look at them and make sure they are
20 complete first.
21 And I would just really urge ADEM to start
22 standing up within the public and not defending
23 these polluters with political clout or using

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1 their political clout to escape the disciplines
2 of law and order in the free market capitalism,
3 and ADEM is allowing them to do that. They
4 should be protecting the public not the
5 polluters. Thank you for allowing me to
6 comment.
7 MR. BYINGTON: Thank you. Next speaker is
8 Bryan Burgess.
9 SPEAKER - BRYAN BURGESS: I am Bryan
10 Burgess. I am with Friends of Rural Alabama. My
11 wife and I have a farm in northern St. Clair
12 County about 45 miles from here. We were part of
13 a team that put together the ADEM Reform
14 Coalition blueprint and we worked for the last
15 two or three years doing that and we encourage
16 ADEM to adopt that plan and do the best you can
17 with it.
18 Now, I want to thank you for taking the
19 initiative to develop the Strategic Plan and for
20 coming here tonight to hear the citizens. My
21 comments tonight are specifically directed
22 towards the Plan and they are in two types. One,
23 I want to talk about the contents and two, I want

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1 to talk about a specific area of the Plan. That
2 in terms of the contents when I read the Plan, it
3 said on the cover-sheet that it's final and I was
4 disappointed by that after I read the Plan and
5 the Plan is significantly incomplete. Any
6 classical textbook on strategic planning will
7 identify the same kind of elements that are
8 missing from that Plan and I want to suggest to
9 you tonight first of all, that the strategies and
10 the goals are somewhat intermingled and you need
11 to separate these goals and make them specific
12 and identify something to them that's measurable.
13 Otherwise, if you can't measure it, you don't
14 know why you are accomplishing it or what kind of
15 progress you are making on it. You need to
16 identify these goals as short term, medium term,
17 and long term. You need specific programs
18 identifying each one of these goals and you need
19 to identify the units in ADEM that's going to be
20 responsible for those programs and assign a time
21 line to those so we know when they are going to
22 be accomplished and we can measure that. You
23 need to look at the strengths and weaknesses that





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1 have been pointed out through the commission
2 meetings. We had town meetings a couple of years
3 ago and ADEM can build on those strengths that
4 you have and you need to take those weaknesses
5 and try to shore those up.
6 The internal mentality of ADEM has been such
7 that if that area is not addressed in the Plan
8 and how that mentality is designed for
9 improvement, then the citizens of Alabama see
10 very little success in any kind of strategic
11 plan. We haven't seen that mentality yet.
12 Now, in a specific area of the Plan--and
13 let's talk about enforcement--the Plan identifies
14 several areas that citizens have complained about
15 where ADEM says that's not within its scope or
16 authority to address. However, at the same time
17 the Plan does not address, it does not call out
18 and specify a lot of the enforcement issues that
19 citizens have shown beyond any doubt that ADEM is
20 failing to enforce the regulations out there on
21 the books. I would encourage you to get into the
22 minutes of the last couple of years, pull these
23 enforcement issues out, design programs to

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1 accomplish the solution for those, assign the
2 units to them and put time lines on those so we
3 will know what we are doing. Thank you.
4 MR. BYINGTON: Thank you. Reverend Judge L.
5 Stringer.
6 SPEAKER - JUDGE L. STRINGER: I come before
7 this committee group tonight to -- I suppose I
8 represent -- I don't know who I represent; maybe
9 nobody. But to give you a little background on
10 me, I formerly lived in Hobson City, Alabama and
11 I have been pastor at the New Hope Baptist Church
12 for the past 40 years, before most all of y'all
13 was even born. And we do have citizens present
14 tonight but I speak not only for Hobson City, but
15 I speak on behalf, I believe, of all the persons
16 present tonight. And I asked Reverend Westbrook
17 to fill out the form y'all had to make sure that
18 I had an opportunity to speak on behalf of my
19 constituents.
20 When I get out of order, y'all tell me. I
21 know how to shut up. I think most of us want to
22 know if a settlement has been offered? Can y'all
23 tell us what that settlement is?

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1 MR. GLENN: Settlement on what issue?
2 SPEAKER - JUDGE L. STRINGER: On this suit
3 that has been filed.
4 MR. HAIRSTON: Monsanto?
5 SPEAKER - JUDGE L. STRINGER: What is it
6 that we have down there, the pipe shop foundry
7 business; isn't that what you are talking about?
8 Maybe I am at the wrong meeting.
9 MR. BYINGTON: This is for the Environmental
10 Management Commission discussion about our
11 Strategic Plan. We are hearing about issues that
12 are affecting the community. But on a
13 settlement, I don't believe we would know about
14 that.
15 SPEAKER - JUDGE L. STRINGER: Y'all don't
16 know that. Most of my other questions would be
17 related in that same area because I wanted to
18 know if the citizens of Calhoun County and Hobson
19 City, Alabama if they had any input in your
20 planning? You know, my point there is that many
21 times there are people who live outside this
22 community who come in and tell us what we need.
23 We pretty much know a little better, I think,

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1 what we need. There are people in this room who
2 could help. So I feel that we need to involve
3 this community in your planning stage. Don't
4 leave us out of your planning because in most
5 instances when y'all get through planning, you
6 plan everything all around us and we are not part
7 of that planning stage. With the previous
8 situation going on in Calhoun County, the people
9 are turning -- they all had decided what was best
10 for us. Most of us have a doctor somewhere and
11 if we don't have one, we can find one somewhere,
12 but we don't need folks coming in planning no
13 health facilities or that kind of stuff without
14 our input.
15 Now, last statement, I will take my seat
16 because can I put in writing to you all what I
17 have here? I will tell you that; all right. Can
18 you answer anything I said?
19 MR. BYINGTON: On the settlement stuff, I
20 don't know an answer to that.
21 MR. HAGOOD: I think you are referring to a
22 private lawsuit that we are not involved in.
23 MR. BYINGTON: That's what this meeting is,





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1 is to get input from the community about our Plan
2 and so I think we are trying to address that and
3 we are involving folks.
4 SPEAKER - JUDGE L. STRINGER: Thank you so
5 much.
6 MR. BYINGTON: Thank you. Jim Windwalker.
7 SPEAKER - JIM WINDWALKER: Good evening. I
8 am Jim Windwalker. I am founding director of the
9 First Nations Outreach Project, a native-American
10 non-profit organization. We house one of the few
11 privately-funded wildlife rescues in the
12 southeast. Ten years ago I called ADEM and I am
13 still on hold. We are hoping tonight y'all are
14 answering the phone. Good plans happen every
15 day. Good people to implement good plans are
16 rare. We are hoping that you folks are what it
17 seems like we have finally been blessed with.
18 Time will tell.
19 I have two primary concerns. My first
20 concern, in the past we have had a lack of
21 understanding that the environment and eco system
22 are connected like siamese twins. You cannot
23 protect one without protecting both. If you

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1 remove one from the other, they will both die. I
2 live in Clay County, a county that has 12,000
3 people roughly population in the entire county,
4 and we have a municipal sewage treatment plan
5 that dumps a first stage lagoon in a small flow;
6 okay. Even common sense will tell you that. You
7 don't need to test it; all you need to do is go
8 down there and see the results of the bacteria on
9 the plant life and the animals. They are laying
10 dead all over the bank. We have Goldville in the
11 south part of the county and the north part of
12 Coosa and Tallapoosa County where we come into a
13 triangle together where gold mines were
14 everywhere. The whole place is honeycombed with
15 them. Nobody thinks much about gold mines. We
16 have one of the highest cancer rates of any place
17 in the State. We have one of the highest heart
18 problem rates of any place in the State because
19 there has never been any cleanup done. We heard
20 about mercury a while ago. Well, that's the
21 result of gold mining; it stays; it is not
22 biodegradable; it's there until it's removed; and
23 no one has ever bothered to remove it. We have

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1 asked many times and in desperation, we have come
2 close to doing things our own way; now we have an
3 array of hope. We will see if that hope is in
4 vain.
5 You know, there is an Indian saying that
6 says "we don't own the earth, we borrow it from
7 our grandchildren." We can't recreate what was
8 created and we have a responsibility to pass it
9 into the hands of our grandchildren in better
10 shape than we received it. If we cannot do that,
11 then we have failed our responsibility. ADEM
12 should not and cannot be a political entity. It
13 must be a governing body that enforces laws; laws
14 to protect not just us but you, too. You live
15 with us, you work with us, this is your land,
16 this is your home, this is your environment. If
17 we are to work together, then we have to keep
18 each other informed. We can't just inform you.
19 You have to keep us informed, too.
20 I like what's happening here tonight. It
21 gives me hope. I never thought I would see it
22 but I appreciate it. Now we will see if it has
23 results. The proof will be determined.

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1 If tonight is the beginning of an example,
2 then you have an Army behind you. It made me
3 wonder when I came in the door if perhaps ADEM
4 had been infiltrated by environmental activists;
5 this is what we have got and I hope that it's
6 true; I hope that it is.
7 I thank you for your time and I thank you
8 for your efforts and I thank you for being here
9 tonight. You can expect to hear from me soon
10 because I know the phone is going to be off hold
11 now. Thank you.
12 MR. BYINGTON: Thank you. Elizabeth Salter.
13 SPEAKER - ELIZABETH SALTER: Hi, my name is
14 Elizabeth Salter and I am from Jacksonville,
15 Alabama. I now live in Birmingham, Alabama and I
16 work for the Regional Planning Commission. And I
17 am not here to speak on behalf of my employer, I
18 am here to speak on behalf of myself and citizens
19 and I would like to talk about data sharing and
20 communication with ADEM and some improvements and
21 inclusions to your Strategic Plan.
22 Right now as I know of, there is no
23 mechanism to get GIS data from ADEM. I don't





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1 know how to do it. I was assigned with a task of
2 collecting data and we try not to collect
3 redundant data and ADEM has a wonderful library
4 of data and just abundant resources of stuff you
5 have collected and how you have used your money
6 and resources. I think that needs be made
7 available. The channels need to be opened up for
8 communications with not only citizens and
9 government agencies but educational facilities
10 and institutions and I think that there should be
11 a way to do that. The previous way that I ended
12 up being directed to was to write the director of
13 ADEM himself and ask for data and so that's what
14 I did. I wrote a letter and I got it through all
15 the channels in my organization and I finally got
16 it to your organization and I really don't think
17 that the director of ADEM has time to deal with
18 data requests on GIS data.
19 In looking at the Plan on page three, part
20 of your general goals and strategies are to
21 balance your resources with other societal needs,
22 and that's what planning commissions do. We try
23 to balance the resources with society's needs, so



1 we need data to aid us in our planning. And the
2 sharing of GIS data would not only help us, it
3 would also help ADEM. Local data is often better
4 than state data and regional data is just a step
5 above local data. We are the collectors of their
6 data and we can pass it on to you guys. If we
7 can share back and forth, that helps everybody
8 out. It helps to balance our natural resources
9 and our means and to protect these areas. They
10 need be included in our community plans and our
11 transportation plans so the areas can be
12 protected.
13 On page five, it's stated AEMC has some
14 goals and strategies for the website. Part of
15 this could include GIS data. GIS is good about
16 sharing their GI's. It can be done and it has
17 been done in their other state agencies and it
18 might be able to help up guys share some of the
19 data. I have friends inside ADEM who are GIS
20 analysts but they are now allowed to give you the
21 data because it has to go through the proper
22 channels and right now the proper channel would
23 be you, so I think there might be a better



1 mechanism for data sharing and communication and
2 opening up these channels within ADEM and I think
3 that's something that needs to be addressed.
4 That's about all I have to say. I would
5 like to encourage ADEM to consider these
6 important recommendations from different groups
7 such as ADEM Reform Coalition and that's one way
8 to listen to your citizens and to have external
9 communication is from knowledgable professionals.
10 Thank you for my chance to speak to you tonight.
11 I appreciate it.
12 MR. BYINGTON: Thank you. Delorice Morris.
13 SPEAKER - WILLARD JONES: Pat, would you
14 reverse that? I was supposed to speak first.
15 MR. BYINGTON: I'm sorry. Willard Jones.
16 SPEAKER - WILLARD JONES: I didn't have time
17 to finish all of mine so I knew I would have to
18 have back up to finish the story; okay?
19 I thank you for allowing us to come and
20 speak to you tonight. My name is Willard Jones.
21 I am from Henagar, DeKalb County, Alabama. I
22 represent Sand Mountain Concerned Citizens, one
23 of the number of organizations that make up ARC.



1 We encourage ADEM and EMC to follow the Strategic
2 Plan approved in 2004, especially the enforcement
3 penalty policies at ADEM.
4 Mr. Byington, to answer one of your
5 questions, have we been doing our job? In my
6 opinion, the answer is no. That is intended to
7 be a positive response. Enforcement needs to be
8 improved considerably in what we have dealt with.
9 For many reasons, including politics, I do not
10 believe EMC nor ADEM has been doing an adequate
11 job nor the job they are capable of doing.
12 Allowing an officer of an organization that is
13 supposed to be looking out for the farmers of our
14 state that is also a member of the board of
15 directors of the integrators supplying the hogs
16 and feed to the large hog CAFO's in Alabama and
17 attendance at almost every ADEM workshop meeting,
18 the group that drafted the Alabama CAFO
19 regulations, which happened in our State,
20 represents a real conflict of interest and may
21 have been illegal. I would like be able to prove
22 that. That individual was so important to the
23 process that his cell phone was listed in those





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1 minutes. March 16th, 2000, a bus load of us from
2 north Alabama attended uninvited--they didn't
3 know were we were coming; we just happened to
4 find out there was a meeting scheduled at ADEM--a
5 ADEM meeting where they were discussing changes
6 to the CAFO regulations that had been in effect
7 less than a year. That came about because of a
8 lawsuit. The same individual mentioned above was
9 there leading his group that outnumbered all
10 other people in the room more than two to one.
11 That individual was so influential that it was
12 obvious that he had the influence with not only
13 his people but the people in the room and the
14 ADEM people that was there to help make the
15 regulations including those ADEM leaders. That
16 individual, I was told, was one of the officers
17 of the organization that is supposed to look out
18 for the Alabama farmers that was involved in
19 drafting the so-called Family Farm Bill, better
20 known as the hog bill, because the sponsor has
21 repeatedly refused to accept an amendment that
22 would exclude only hog CAFO's. In my opinion,
23 the sponsor sold out 99.5 percent of the farmers

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1 in Alabama to protect the integrator and less
2 than 40 hog CAFO farmers. The bill was
3 introduced just before the individual was elected
4 president of the integrator. That left no doubt
5 in our minds that this was the integrator's
6 payoff for introducing the hog bill.
7 We are impressed, Mr. Glenn, with the
8 changes that we see EMC and ADEM making. We will
9 continue our efforts to get Governor Riley to
10 appoint two people to replace the two pro-
11 industry and special interests commissioners
12 whose terms expired last year. Anyone that has
13 been at a EMC meeting in the last two years
14 surely knows it is time for new blood at EMC.
15 Mr. Glenn, we are optimistic about your
16 chances of making critical changes at ADEM. When
17 you indicate that rebuilding public confidence in
18 ADEM is one of your high priorities, we agree
19 that is something that has to be done. You
20 indicated that some of the changes might have to
21 be done at the legislature. That may be true but
22 we believe that most of those changes must be
23 made by you to rebuild the public's confidence in

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1 ADEM. You have some excellent people that must
2 be retrained to get rid of bias and be ready and
3 willing to enforce regulations without
4 favoritism.
5 The following are examples of areas where we
6 feel ADEM let the public down with their bias and
7 favoritism. I have been personally involved with
8 each of the following example situations.
9 September 19th, 2001 a very frustrated friend
10 living near one of the hog CAFO's called and said
11 she had called and e-mailed ADEM trying to get
12 someone to come to see the situation that she was
13 having--she and her family--were having to live
14 with. She said a CAFO operator had been spraying
15 the hog manure on the field behind her house all
16 day even though rain was forecasted. It had been
17 raining for some time and the brownish hog manure
18 and water was running off of the field into the
19 road, ditch, and down across in front of her
20 house and then back across her property into a
21 tributary that eventually led to the Tennessee
22 River, so it was a mess that was there. The
23 waste crossed at least four property lines within

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1 half a mile as it flowed through some streams and
2 tributaries on its way to the Tennessee River.
3 The rain stopped that night long before the ADEM
4 inspector investigator arrived. He came more
5 than 24 hours after she had called me pleading
6 and said she had already been trying to get ADEM,
7 someone out there, and she tried to explain the
8 seriousness of the situation. The flow through
9 the ditches and streams stopped prior to the
10 investigator's arrival. However, there was
11 plenty of brown puddles for anyone to see and
12 recognize the lady had a legitimate complaint.
13 In several places, water was deep enough to get
14 samples. Instead, the investigator took ADEM's
15 usual position and recorded it no violation. I
16 was there before and right after she called me,
17 then I went back as soon as she could get word to
18 me that the investigator was there. He was
19 already gone by the time I got there.
20 I ask you to correct many of these
21 weaknesses in people not being willing to enforce
22 the rules. I believe that many of those rules we
23 are dealing with are weak but at least it would





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1 help if they would enforce those.
2 Mr. Glenn--and you may have to find out
3 about this--I have been told that operators of
4 these CAFO's are responsible for pulling
5 samples--water samples--of their water and
6 delivering it to ADEM. Can you find out for me
7 if that is true if you don't already know. For
8 them to be their own inspector -- and I did find
9 in some of the minutes that they could apply and
10 be qualified to do that. Now, I am talking about
11 CAFO's mostly, but I also know from experience
12 that the landfills and some big industries is
13 just as guilty of not following the regulations.
14 I thank you.
15 MR. BYINGTON: Delorice Morris.
16 SPEAKER - DELORICE MORRIS: Hello. I am
17 Delorice Morris. I am from Ider, Alabama, a
18 member of the Concerned Citizens Organization--
19 Sand Mountain Concerned Citizens. And first let
20 me tell you that we, the Sand Mountain Concerned
21 Citizens, strongly support the enforcement and
22 funding of the Strategic Plan. When I say
23 enforce, that's strongly enforce it, support the

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1 enforcement of it. Laws can be put on paper and
2 if they are not never enforced, we might as well
3 not have them. I could tell my husband every day
4 I loved him but if I treated him terrible, he
5 wouldn't believe it. So what good are the laws
6 if they are not enforced. And I admit that I am
7 ignorant about some things. I would like to ask
8 you people something. I wonder how these CAFO's,
9 these hog operations, how they can operate six
10 years with no permit. Why are they still in
11 operation without a permit. If they have one,
12 they have gotten it lately. So that's something
13 I would like to know.
14 And I am going to tell you some experiences.
15 I live about a little over a mile from the
16 closest hog operation where I live. But it's
17 been a few years ago, I was in the house, had the
18 windows closed, the air conditioning on; but I
19 saw the people bringing the stuff by and I went
20 out to go to the mailbox, and my mailbox is not
21 very far from my house. I almost vomited. Water
22 started coming up in my throat it was so bad. I
23 remembered I had a neighbor that was on oxygen,

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1 was very sick; well, he was on his death bed
2 really. So I called the health department and
3 asked them if there was anything they could do
4 and they said they couldn't do anything. They
5 gave me the number to call ADEM. I called ADEM
6 and they said as long as they were following the
7 regulations that there was nothing they could do
8 about it. So I don't know. That's what we are
9 having to put up with. Another elderly couple
10 who lived in our community and they were in their
11 80's and they had been on a short vacation, they
12 came home, the whole house was covered with big
13 black flies. So they called -- I didn't know --
14 I know about it. They called some of the
15 neighbors, they went in and took vacuum cleaners,
16 they cleaned the flies as best they could; they
17 put some of them in a jar, took it to the health
18 department. Again, the health department, they
19 couldn't do anything about it. So they even
20 called ADEM, talked to them about it; they
21 couldn't do anything about it. They agreed that
22 they carry all kinds of diseases and all kinds of
23 bacteria and everything but there is nothing we

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1 can do about it. That's the conditions we are
2 living in on Sand Mountain in some places.
3 Another thing that you people might not know
4 about Sand Mountain, the soil is very thin; it's
5 sandy, it's rocky. It's no place for hog
6 operations. It will not absorb the waste. And
7 my question is why were they ever allowed to come
8 there in a place like that. I could understand
9 that maybe if it was deeper soil or something but
10 there is no way that it will absorb all the
11 waste. And we people have been living there for
12 years and years and years and yet -- well, I'll
13 talk about a sister-in-law of mine. Her house is
14 between two big hog operations, 4,000 on one
15 side, 4,000 on the other side, about halfway
16 between. She has lived there for years. She
17 can't go out in her yard now because if the wind
18 is coming from this way, she can't stand it; if
19 the wind is coming from this way, she can't stand
20 it. Her property, she has a nice house. Who
21 would want to buy it. How can she leave. She
22 doesn't have the money just to give her place up
23 and move.





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1 And I hope that you new people at ADEM will
2 be more concerned for the citizens of our State.
3 We have a beautiful state but ADEM has let us
4 down; they really have. And they didn't do the
5 operators any favor by enforcing the regulations.
6 And the 2001 consent order that to my knowledge
7 the operations has not complied with the
8 enforcement of the consent order that could have
9 improved ADEM's funding by enforcing the
10 penalties included in the consent order. Again,
11 I say what good is rules and regulations if they
12 are never enforced. Thank you.
13 MR. BYINGTON: That's our last speaker. And
14 what we are going to do right now just briefly is
15 I am going to invite our members here to make any
16 comments if they would like to.
17 I'm sorry.
18 SPEAKER - GEORGE ARENO: My name is George
19 Areno, Jacksonville, Alabama. I wanted to direct
20 your attention to page seven, external relations.
21 In looking through it, you have included a lot of
22 people but one group of people you left out that
23 would have a tremendous amount of input would be



1 local government--county, city government. You
2 don't have any in that particular area. I think
3 you are losing a valuable resource. The public
4 will give you a lot, your legislators will give
5 you a lot, but your city and county governments
6 are in the middle and you need to hear from them.
7 MR. BYINGTON: Thank you. Ken?
8 MR. HAIRSTON: I don't have any comments to
9 make. I just want to introduce myself. I am Ken
10 Hairston. I am the attorney on the Commission.
11 I live in Birmingham. I think it's important
12 that with regard to at least the effort to
13 improve the image of our being willing to receive
14 and work with the community at large that we come
15 and hear what you have to say. I appreciate the
16 comments tonight. Some of them are hard to hear
17 because a lot of what has happened -- you are hot
18 under the collar in so many words -- are events
19 that occurred before we came on and it's very
20 difficult to immediately or as quickly as even we
21 would like to turn things around or make changes
22 where they need to be made or at least try to be
23 more considerate of all of the factors in some of



1 the decisions that we have to make. We just ask
2 that you be patient with us and continue to
3 articulate your concerns so that we can try to
4 implement some of the things that we as the
5 Commission see fit within the Plan for the good
6 of all Alabama rather than those who have
7 environmental concerns over those who might be
8 from industry. I think that we have to learn to
9 live and work together much like Mr. Windwalker
10 said and I hope that we can have an objective
11 mind-set on the Commission that will be one that
12 you feel comfortable and confident in as we try
13 to do what's in the best interest for the State.
14 I thank you for coming and please continue
15 to be patient with us.
16 MR. GLENN: Ken, thank you for that and Pat,
17 and I agree and echo with what Mr. Windwalker
18 said. I spoke last night and told you why I took
19 this job. I took it because I have three young
20 children that I want to see have a great and
21 beautiful State, a better State; that's why I'm
22 here; that's exactly why I'm here.
23 This is exciting for me to hear what you



1 said. It's exciting because if you could have been
2 with John and I today, we talked about a lot of
3 these issues. We talked about our staff, we
4 talked about ways to address some of these
5 things. I agree the proof is in the pudding.
6 We are out there. We are here to do a job. We
7 are here to enforce environmental regulations and
8 ensure compliance with those regulations that are
9 given to us by our elected officials, by our
10 Commission, by others. My job as the Department
11 is to as efficiently as possible and effectively
12 as possible implement those rules and
13 requirements that we are given and we are making
14 strides toward that. We are addressing permits
15 and what they contain. They have to do with
16 waste water treatment facilities. We are
17 addressing that. We are taking tangible actions
18 and changing some things that are working there
19 that are beginning to have a real impact.
20 Quicker more swift enforcement helps everyone. I
21 think it helps everyone, regulated, community,
22 environmental community, state code alike.
23 I just wanted to say thank you so much for





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your comments and these are very pertinent comments. These mean something. I took copious notes. We are working and we will move forward in addressing all of the things that you did bring forward because I think we are all here operating for the same goal and that is to make Alabama a better tomorrow than she is today. I think we can do that. I am excited about the opportunity and thank you so much for your input into what we are doing.

MR. HAIRSTON: I wanted to say one other thing. I think that some of us, if not all of us, realize the constraints that the Department has from the budget standpoint. While the comments and the concerns and constructive criticism that you have is important to hear--and I know it's rhetoric to be able to articulate to some extent--one of the things we need are tangible ways that we can ban together to try to grow the funding that ADEM gets. So one of the ways that your input can be helpful is if the input relates to those things that you see problems with, but the other way to do that is to



have solutions or potential solutions or suggestions that we can try to put in place or analyze to see if they will work so that we can effectuate some of the concerns or answers to the concerns that you have. So please continue to be mindful of us. Thank you.

MR. BYINGTON: This wraps up our meeting tonight. I want to personally thank you for speaking here tonight and providing us with the input. And what we are going to do now is we are going to stay here for a few minutes and after this meeting if you want to talk to us individually you can do that. We are just so glad to have you here and this will be a part of making this a better ADEM.

MR. HAGOOD: Pat, I would like to say a couple of things. One of my duties is to work with the legislature on policies and legislation and I think that you should feel very fortunate to have Representative Fite and Dr. Boyd and your Senator Del Marsh to show up and be a part of this. They have been very supportive of us and I would like to reiterate the recognition I had



given them earlier.

MR. BYINGTON: Thank you.

(Meeting concluded.)



REPORTER'S CERTIFICATE

I, Celeste O. Riddle, RMR, RPR, CSR, do hereby certify that I reported stenographically and then reduced to typewritten form by means of computer-aided transcription my stenographic notes of the foregoing ADEM hearing. I further certify that the foregoing transcript is a true and correct transcript.

Done this the 30th day of September 2005

Celeste O. Riddle/MH

Celeste O. Riddle, RMR, RPR, CSR





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