

Summary of Reasons
Supporting Proposed Modification of ADEM Administrative Code
Division 335-1 General Administration

The Department proposes to revise ADEM Admin. Code R. 335-1-1-.03, Organization and Duties of the Commission, to add paragraphs (4), (5), and (6) to establish a process for updating the Unified Strategic Plan (USP), the plan under which the Commission and Department will operate.

R. 335-1-1-.03(4) sets forth the requirement for the Director to deliver to the Commission a notice of intent to update the USP starting with Fiscal Year 2009 and then periodically as needed for the effective execution of statutory mandates, but not more frequently than every fifth year after the last notice of intent to update the USP. In addition, paragraph (4) defines the required contents of the notice of intent.

R. 335-1-1-.03(5) establishes the Commission procedure of appointing a special ad hoc committee upon receipt of a notice of intent to update the USP from the Director to oversee the Department's development and implementation of the planning process.

R. 335-1-1-.03(6) adds the requirement for Commission approval of any final USP produced according to the strategic planning process established according to paragraphs (4) and (5) of this rule.

335-1-1-.03 Organization and Duties of the Commission.

(1) The Commission is a statutorily-created seven member commission with the following duties:

(a) To select a Director for the Department of Environmental Management and to advise the Director on environmental matters which are within the Department's scope of authority;

(b) To establish, adopt, promulgate, modify, repeal and suspend any rules, regulations, or environmental standards for the Department which may be applicable to the state as a whole or any of its geographical parts;

(c) To develop environmental policy for the state; and

(d) To hear and determine appeals of administrative actions.

(2) The members of the Commission are appointed for six-year terms by the Governor with the advice and consent of the senate. Position qualifications are as follows:

(a) a physician licensed to practice medicine in the State of Alabama who shall be familiar with environmental matters;

(b) a professional engineer registered in the State of Alabama who shall be familiar with environmental matters;

(c) an attorney licensed to practice law in the State of Alabama who shall be familiar with environmental matters;

(d) a chemist possessing as a minimum a bachelor's degree from an accredited university, or a veterinarian licensed to practice veterinary medicine in the State of Alabama, who shall be familiar with environmental matters;

(e) an individual certified by the national water well association certification program;

(f) a biologist or an ecologist possessing as a minimum a bachelor's degree from an accredited university with training in environmental matters;

(g) a resident of the state for at least two years.

(3) The Commission meets regularly, at least once every two months, and keeps a complete and accurate record of the proceedings of its meetings, a copy of which is on file in the office of the Director and open to public inspection.

[\(4\) Beginning with Fiscal Year 2009, and periodically as needed for the effective execution of statutory mandates, but in no event more frequently](#)

than every fifth year after the last notice as outlined herein, and in accordance with all applicable statutes and regulations, the Director shall deliver to the Commission a notice of intent to update the Unified Strategic Plan under which the Commission and Department operate. The notice shall contain the Department's summary of departmental goals, timeline for plan development, and a brief explanation of methodology for updating the Unified Strategic Plan.

(5) Upon receipt of the notice delivered according to paragraph (4) of this rule, the Commission shall appoint a special ad hoc committee to oversee the Department's development and implementation of the planning process.

(6) Any final Unified Strategic Plan produced according to this process shall be approved by the Commission.

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Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-22A-6, 22-22A-8, 41-22-4, 41-22-5.

History: August 1, 1988.

Amended: XXXXX, 2009.