



## PRESS-REGISTER

### **ADEM ENFORCEMENT**

**During 2009 fiscal year, state assessed \$286,100 for pollution violations, down from \$1.2 million in each of two previous years**

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**By BEN RAINES**

**Staff Reporter**

The Alabama Department of Environmental Management assessed just \$286,100 for water pollution violations during the 2009 fiscal year, compared to more than \$1.2 million in each of the two preceding years, according to environmental groups working together as the ADEM Reform Coalition.

That represents a 78 percent decline in penalties assessed against Alabama polluters, the coalition said.

ADEM officials said the decline doesn't necessarily mean there has been a reduction in the agency's vigilance when it comes to protecting Alabama's rivers, creeks and lakes.

"Our goal is to assure facilities operate in compliance, not to assess civil penalties," said Scott Hughes, an agency spokesman.

The agency also issues warning letters and violation notices, which Hughes said "require fewer internal resources" than issuing monetary penalties and provide "a better use of our limited resources."

The Reform Coalition in August gave ADEM's governing body evidence suggesting that penalties as well as inspections were down significantly this year over years past.

At the time, ADEM responded that the agency had \$800,000 in penalties "pending — at public notice or not finalized yet."

Since then, \$139,600 in new penalties have been finalized, according to information provided by the Reform Coalition. That leaves the just-completed fiscal year, which ended Sept. 30, with about \$1 million less in penalties than in 2008.

"When you look at the number of penalties, that's really not a good measure," of the agency's enforcement actions, Hughes said. "We have inspectors out in the field each and every day conducting inspections and reviewing paperwork on site to ensure facilities are operating in accordance with their environmental permit."

David Ludder, an environmental lawyer and former ADEM employee, analyzed ADEM's enforcement records for the Reform Coalition.

He said other enforcement indicators are off as well, in particular noting that the number of companies filing required paperwork related to their water permits had declined dramatically.

Penalties, Ludder said, are the only effective way to enforce the law.

"Their inspections are down, their enforcement is down," Ludder said. "All that will lead to companies that are looking to save money abandoning their compliance activities. We're already hearing ... that ADEM is absent, and the companies are feeling that they can get away with more."