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## ADEM, environmentalists spar over pollution policy enforcement

*By Markeshia Ricks*

The Alabama Department of Environmental Management faced down its critics Friday, but a coalition of conservationists and environmentalists say the department should do more to crack down on industries that violate state regulations.

Members of the Alabama Environmental Management Commission, which oversees ADEM, got to see for themselves the results of a review of federal records on the compliance and enforcement practices in the state's water pollution control program.

And the picture that former ADEM chief attorney David Ludder painted was not pretty. The number of ADEM permitted facilities that comply with state water pollution regulations are down significantly and so is enforcement of those regulations, according to the report.

ADEM Reform Coalition, an environmental watchdog group made up of 40 conservation groups, commissioned Ludder to compile the report, which is based on records that ADEM submits to the U.S. Environmental Protection Agency.

Ludder said the department assessed about \$1.3 million in water pollution fines in fiscal year 2008, but has only collected \$146,500 for the three quarters of fiscal year 2009.

"ADEM says it has about \$800,000 in fines pending, but unless that is collected in the next six weeks, that will count toward next year," he said.

State environmental officials disputed the validity of the numbers and any claims that the department is somehow shirking its responsibilities.

Jerome Hand, a spokesman with ADEM, said the report uses U.S. Environmental Protection Agency statistics that are not up-to-date, data that have been questioned by ADEM and by other states that implement regulatory water programs.

Hand confirmed that the department did collect \$1.3 million last year, but it has actually collected \$190,000 this year and has \$800,000 more in penalties pending.

But Ludder said even if the department disputes the numbers in the report, the decline in inspections and enforcement, and the subsequent rise in violations shouldn't be ignored.

Ludder said that the state should develop enforcement compliance metrics that are published by the department and available to the public. He also recommended to the commission that the department produce an annual compliance study so that the public knows who is in compliance and who is not.

"If someone is consistently not in compliance then something needs to be done," he said.

ADEM Director Trey Glenn said that there are external factors that the report doesn't capture such as the amount of funding that the department gets to perform certain kinds of inspections and changes in the U.S. Environmental Protection Agency. Even changes in directives from the commission impacts the department's work, he said.

"Without context, you look at those numbers and see a major drop in inspections," he said. "But I hope that what you see is less about quantity, but the quality of the effectiveness of what we are doing."

Glenn said there have been many changes to the way ADEM does business since he took the helm in 2005, and he found it insulting and offensive to the department's 600 employees to suggest that they're somehow not doing their job.

Adam Snyder, executive director of Conservation Alabama, said the coalition isn't trying to insult the department or its employees, but ADEM doesn't have a strong environmental protection.

"We're looking for that transparency so that the public knows what the department is doing," he said. "We're looking for results and the trends show that we're not seeing the results of enforcement."

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Conservationists say the Alabama Department of Environmental Management is not enforcing pollution policies and failing to stop discharges like this one found going into the Alabama River just upstream from Selma. ADEM says that opinion is based on old data.