

How is ADEM protecting the environment?

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FOX10 News is taking a closer look at how the Alabama Department of Environmental Management is protecting you and the environment.

ADEM's mission is to enforce environmental laws and protect you, the land, air and water. But some are skeptical about how effective the agency is at enforcing the law.

DOG RIVER LITTER

In Mobile, some Dog River residents said they are tired of seeing litter float along the river. People like Patricia Hardwick-Hall feel the problem is a direct reflection of Mobile's poor storm water management, and they are looking to ADEM for help.

"All of that debris flows into the area where I am. I've seen everything from bottles - there is a great deal of plastics in the water, which is not very good for our seafood industry," said Hardwick Hall.

MERCAPTAN LEAK

For more than three years, some people in Eight Mile have complained about the pungent smell of the chemical mercaptan. They claim it is making them sick.

ADEM said there was a leak and it is requiring Mobile Gas to clean it up and get rid of the smell. But that was more than a year ago.

"We are now in February 2014 and the issue is still there," said Theresa Bettis.

WHY ALL THE PROBLEMS?

So, why are these problems still plaguing communities, even when ADEM is involved? Critics said it's because the agency is not strict enough.

FOX10 News went to ADEM's headquarters in Montgomery for a response.

"It's up to the industry or the municipality or whoever the regulated entity is, to devise a scheme or a process as to what is going to best allow them to comply with their environmental permit," said Scott Hughes, ADEM's Spokesperson.

Hughes said if ADEM can write good permits provide technical assistance and have a strong presence in the field, the department will fulfill its mission. [He said the department sides with a recent study out of Oregon.](#)

The Department of Environmental Quality surveyed companies to see what motivates them to stay in compliance with environmental laws. Less than half, 37 percent, said the impact of potential fines would have a "tremendous impact" on them. The number one deterrent, according to the study, was concern about a forced shut-down.

WHAT'S THE RESOLUTION?

David Ludder, an environmental attorney, and Mike Mullen, the co-chairman of the ADEM Reform Coalition, said ADEM is missing the mark.

"They've got to get into the pocketbook of violators," said Mullen.

Ludder and Mullen believe ADEM is too business-friendly and the agency needs to send a stronger message when a business is not in compliance.

"Once the regulated industries understand there are consequences, and then there will start to be compliance," said Ludder.

MOBILE COMPANIES NOT FINED

When ADEM linked Mobile Gas to the mercaptan spill in Eight Mile, the agency did not levy any fines against the gas company.

"As far as a civil penalty, we have not assessed a civil penalty at this point," said Hughes.

That's the same case with the WAVE Transit system. ADEM said the [bus system violated Alabama's Water Pollution Control Act](#) when it [released petroleum products from its facility](#) in January 2014. The company was not penalized, but given a 60 day deadline to complete an investigation.

"While it sounds like 60 days is a long time, when you really look at the scope and the amount of work that has to be done during that time frame – it really is an expedited process," said Hughes.

Ludder said there should be penalties for non-compliance.

"If it is a private entity, there should not be any reason to extend dates," said Ludder.

STORM WATER PENALTY

ADEM is trying to get nearly \$400,000 in civil penalties from the city of Mobile for not complying with the federal Clean Water Act. The case is in court, with the next date scheduled for May 2014.

Although the department has levied fines against the city, critics said it's taken years of non-compliance and a whole lot of trash to get to this point.

Do you think ADEM does a good job enforcing the law? Take our poll below and let us know.