



**Mobile Bay National Estuary Program
Government Networks Committee Meeting
June 7th, 2019
Original Oyster House
3733A Battleship Pkwy
Spanish Fort, AL 36527
8:00 am -9:30 am**

Agenda

Meeting Objectives:

- a) Provide status of NFWF GEBF & RESTORE funding and CCMP updates
- b) Discuss selection of GNC chairs
- c) Review status of State legislation impacting coastal Alabama

1. Welcome & Introductions

Mobile County Commissioner Merceria Ludgood

2. Review and approval of minutes

3. Old Business

- a. NFWF GEBF/RESTORE update – Chris Blankenship, ADCNR

4. New Business

- a. Discussion of electing/rotating new GNC Chairs – Christian Miller, MBNEP
- b. Legislative Update – Tammy Herrington, Conservation Alabama
- c. Other Business

5. Adjourn



Minutes

In attendance: Joseph Abston, Washington County Commission; Matt Anderson, City of Mobile; David Baker, City of Semmes; Scott Bannon, ADCNR-MRD; Chris Blankenship, ADCNR; Diane Burnett, SARPC; Jeff Collier, Town of Dauphin Island; Marlon Cook, Cook Hydrogeology; Joe Davis, Baldwin County Commission; Terry Downey, City of Bayou La Batre; Skip Gruber, Baldwin County Commission; Scott Hughes, ADEM; Merceria Ludgood, Mobile County Commission; Chris Plymale, EPA Region 4; Matt Simpson, AL House of Representatives; Dennis Sullivan, City of Chickasaw; Billie Jo Underwood; Baldwin County Commission; John Valentine, DISL; Tom Williams, City of Satsuma; Scott Story, ADEM; Ashley Henderson, AL SWCC

MBNEP Staff: Roberta Swann, Sherry-Lea Bloodworth Botoy, Bethany Dickey, Christian Miller

Takeaways

- The GNC will continue to be co-chaired by one member each from the Mobile and Baldwin county commissions. Billie Jo Underwood was selected to be the Baldwin County Chairperson and Merceria Ludgood will continue to serve in that capacity from Mobile County unless one of the other Mobile County Commissioners expresses interest.
- Conservation Alabama has assisted in multiple environmental-related legislative efforts will continue to serve in that capacity going forward. The local coastal delegation has been very active and successful due in large part to their participation in the GNC.
- Going forward, the MBNEP will serve as a neutral broker of scientifically accurate information related to the coal ash issue as requested by the GNC

The meeting was called to order at 8:00 AM

Introductions were conducted and minutes from the previous meeting were reviewed. A motion to accept the minutes was made by Skip Gruber and seconded by Joseph Abston.

Chris Blankenship gave an update for the Dept. of Conservation and Natural Resources:

NRDA

- Alabama is leading in the amount of money (55% or ~\$162 million) that has been allocated or spent on NRDA-funded projects. This money will continue to come to the State through 2032 at \$11 million/year.
- Restoration plan two, which was released last year, 22 projects \$35 million is currently being implemented.
- Beginning development of Restoration Plan three which will focus on projects focusing on birds and recreational use. Draft plan will be released for comment later this summer.

NFWF

- Projects for the next round of GEBF funding are currently underway with three that are in various stages of the proposal process. These projects are in the Weeks Bay Watershed in Baldwin County.
- Engineering and Design work is underway on several projects (Dauphin Island Causeway, Deer River, and Fowl River) and once complete funding for construction will be sought.

Chris also mentioned that Keri Coumanis is now on board with ADCNR coordinating the Alabama Restore Council and other aspects of the oil spill related project work.

Tom Williams asked when the RESTORE bucket one money would become available. Chris said that is already happening with three projects already being funded and all others having been submitted for review or in the process of getting additional information needed to submit them for review. The process is slow but ongoing.

Next, Christian brought up for discussion the selection of GNC chairs going forward. A survey was sent to the group to get feedback on the best options for filling this role moving forward. Based on the responses received the preferred option is to remain with Co-chairs with one each from the Baldwin and Mobile county commissions. Roberta mentioned that Billie Jo was appointed to serve in that capacity as the Baldwin County Representative. Merceria asked the group if there were any other thoughts/suggestions to please bring them forward. Billie Jo Underwood motioned that she be nominated co-chair and the motion was seconded by Tom Williams. Billie Jo was unanimously approved as GNC co-chair by the committee. Merceria said she would confer with the other Mobile County Commissioners to see if either of them was interested in serving. Roberta also said the NEP would follow up with Billie Jo get her up to speed on the GNC and her role as co-chair.

Next, Rep. Wilcox gave an update on the Litter Bill (HB 500) which passed. Tammy Herrington helped with sending out emails. The Gov. has not yet signed the bill, but she is expected to soon. The legislation provides for increased fines for litterers and a portion of the fine money will be returned to those communities to be used for litter abatement programs.

Next, Tammy Herrington with Conservation Alabama updated the group on environmental legislation that was introduced during this session.

Conservation Alabama can serve as a resource for those who are trying to pass environmental legislation. Margie said the "action alerts" initiated from Conservation Alabama were very effective in getting the message across to the elected officials in relation to the litter bill.

Conservation Alabama created a policy guide to inform elected officials on which issues were most important to people around the State and would appreciate more input from the coast as this document is revised for next year.

During the 2019 legislative session Conservation Alabama worked on the following issues:

- Gas Tax – were able to reduce the fees/taxes that had been placed on plug-in electric vehicles and hybrid vehicles. Wanted to make sure these fees didn't act as a disincentive. The original bill had fees on traditional hybrids which were removed from the final bill. Also, a portion of the fees will be used to install charging infrastructure.
- Ban of local bag-ban regulations – The local leadership from Baldwin and Mobile counties was instrumental in preventing the bill from passing. Chris Elliot initially voted against the bill in committee and then the City of Mobile passed a resolution against it. Matt Simpson stated that Margie's leadership on this issue was a large reason why it didn't pass. She went against the party leadership in an effort to defeat the bill. Tammy mentioned the continuing conversation the GNC has had regarding the impact of litter on the coast was largely responsible for being prepared to defeat the bill.
- Also worked with Margie to help pass her litter bill.
- HB 476 (Water Conservation and Securities Act) Regarding the State Water Plan. Never made it out of committee. This (the State Water Plan) is in the CCMP and is another issue the GNC could lead the discussion on.
- SB 215 – Deals with where dredge spoils are deposited. Mayor Collier reiterated that although this legislation failed it is critically important to resolve the issue and the GNC could serve to help push the conversation forward.
- ADEM's appropriation from the State for 2019 was \$575,000 and for 2020 the Gov. asked for and got \$4,000,000. It is important that ADEM receives the funding they need to do the work they are required to do in protecting our environment.
- Several bills have come up to limit how much money Forever Wild can use to buy land. This is a very popular program and Commissioner Blankenship does a great job educating the legislators on the importance of the program.

Several local communities, including Birmingham and Mobile, are working on ways to address single-use containers. Conservation Alabama can be a great resource for you in addressing this and other issues.

Merceria asked what can be done to engage and inform the members both inside and outside of our communities that may not be getting our message/information. Roberta stated that it is important to help spread the information the NEP sends out beyond the local sphere of influence. Merceria said if we had a one-pager on the litter bill that would be something that we could get out through our networks. Tom Williams said that the Call News is well read in northern Mobile County and Washington County and would be a good place to disseminate information.

Scott Hughes stated that ADEM has Recycling grants that could be used to purchase infrastructure to support municipal recycling programs. There are also funds available to help clean up illegal dumps and illegally dumped scrap tires. There is also a program to reimburse counties and municipalities for cleaning up road-side litter.

Joe Davis mentioned that it is very important to make sure we are encouraging people to participate in the upcoming census to maintain funding and representation levels.

Roberta stated this committee has had an impact on the issue of homeowner's insurance and now this year has impacted the litter issue. This committee has a voice and has proven successful in affecting positive change in our local communities.

Next Roberta mentioned that she was recently asked what the MBNEP was going to do regarding the issue of the coal ash pond at Alabama Power's Barry Steam Plant. There has been a lot of internal conversations about deciding what the MBNEP's role will be in disseminating information related to the coal ash issue.

Scott Story with ADEM gave the group an overview of the current situation with the ash pond. The federal regs came out in 2015 and in 2018 ADEM issued their own regulations in relation to closing out the ash ponds. Statewide, Alabama Power (APCO) has been required to determine if there were any structural deficiencies or if material from the ponds was contaminating groundwater. Due to exceedances of contaminants in groundwater samples and the proximity of the groundwater being within five feet of the bottom of the coal ash impoundment APCO was required to stop disposing ash in the ponds. Other than what is noted below, additional coal ash disposal into the APCO ponds ceased on April 15, 2019 and closure of the ponds commenced:

- PowerSouth has one CCR unit that is not required to cease disposal and commence closure in October 2020 due to an exception.
- APCO has two lined ponds and two lined landfills that they plan to continue to use.

APCO has submitted closure plans to ADEM for review, and they are planning to consolidate the ash within the current footprint at Plant Barry, within a secondary containment structure, and capping in place. Complete closure could take six to ten years. Groundwater monitoring is ongoing, and they will be required to implement corrective measures to remediate any contamination that's already on site. To dig up the ash and completely remove it from the site would take much longer and could pose other environmental impacts. ADEM's goal is to protect human health and the environment regardless of what method APCO uses to close the pond. The current regulations allow for APCO to proceed with the cap in place method. Other states that are requiring facilities to move the ash are generally just consolidating from more than one smaller ponds into adjacent larger lined ponds and not moving them off-site.

Tammy asked about what the requirements were for moving ash into lined ponds. Ash that is physically removed from a site must be placed in a lined landfill. Tom Williams said that many of the committee members had a chance to tour the Barry facility recently and that the ash pond looked a lot different than he envisioned it. It was large and vegetated. Jeff Collier said that they were told it could take 33 years to remove the ash to another location off site. He also noted that since capping it in place is legal, that is the path they will most likely take. The Town of Dauphin Island recently passed a resolution to encourage the proper disposal of the ash. Scott said APCO is required to submit their corrective measures study to ADEM by July 11th and they will also be required to hold a series of public meetings to explain their plans. These will likely take place in August/September at each of the plant locations.

This will be a chance to provide comments/concerns. Mayor Downey said his primary concern is contaminants getting into the water and the fisheries.

Mayor Collier asked what the MBNEP is going to do about it? Roberta said that because the MBNEP is considered an honest broker of information and the Sea Lab is a reputable scientific institution there is a role for MBNEP to play in disseminating accurate information to the community. Billie Jo said that she would appreciate accurate information and wants the MBNEP to provide that information and would also like to see the resolution Dauphin Island passed. Merceria said in closing that she hoped the MBNEP could play a convening role on this issue and help to disseminate accurate information.

Meeting adjourned at 9:45