



Alabama Chapter Newsletter

GREETINGS FROM THE CHAIR

ADAM GEORGE, ENVIRONMENTAL CONSULTING AND TECHNOLOGY, INC. AND CHAIR OF THE ALABAMA CHAPTER OF A&WMA

We want to make this year about **YOU!** We are coming out of a year and a time like none of us has ever experienced, impeded by a virus that created restrictions from local/regional/and national government, as well as fear of the unknown. Despite all the hardships that 2020 brought us, Chris did an amazing job leading our team last year, trying to come up with ideas on how to move forward with events and programs you've become accustomed to in the AWMA while also keeping everyone safe. Several of those ideas are planned be rolled out this year, including potential virtual presentations in lieu of in-person dinner meetings, and moving forward with an Air and Water Regulatory Update that you've been accustomed to every two years. But we want to hear from you. We want to know what you want out of AWMA this year. As we move forward with implementing these ideas, we will rely on your feedback to make any adjustments needed so that the most people are getting something out of it.

So, in the email that included this newsletter is a link to a survey. Please take a few minutes to fill it out. It will help us greatly in determining how to move forward with programs this year. AWMA events mean different things to each one of our members. Some use our events solely as an avenue of learning and creating an environment for open discussion, while others look at it as an opportunity to network and meet more like-minded professional in our industry. Regardless of your reason for attending events in the past, we are going to attempt to make sure your needs are being met. Outside of the survey, if you have ideas that you would like us to consider, please do not hesitate to reach out to me or any of our board members.

Thank you to everyone who voted in the last election, and to all our members who make this possible. We exist because of you, but also for you. Please stay tuned as we go through your responses to the survey so that we can try to create the types of events this year that you want. If you have questions, comments, or suggestions, or would like to become more involved with any of the Alabama Chapter committees such as the student chapter, young professionals, the newsletter, or AWMA scholarships, please feel free to contact me by phone at (334) 318-0419 or e-mail at ageorge@ectinc.com.

HOW THE BIDEN ADMINISTRATION PLANS TO SHAPE ENVIRONMENTAL POLICY

ISAAC SMITH, DISTRICT MANAGER ,PPM CONSULTANTS, MOBILE, AL

Regardless of your political affiliation, with the inauguration ceremony complete, we can begin to postulate how the change in Administration will shape environmental policy in the US.

It probably won't come as a shock to anyone, but the Biden Administration's environmental policy agenda will undoubtedly be in stark contrast to that of the Trump Administration's. Biden quickly put his agenda into action, some moves taking place even before his inauguration as he elevated the role of science adviser to the cabinet level. Others plans were released as soon as the ceremony came to an end and one of the first actions was to revoke a key cross-border presidential permit needed to finish the Keystone XL pipeline, which likely means the end of the \$8 billion pipeline, that would have carried oil sands crude from Canada to the US Gulf Coast. Canadian Prime Minister Justin Trudeau has said the pipeline was a key priority for him. The province of Alberta, which is an investor in the project, has said it will work with the company to pursue legal remedies.

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SS-AWMA.org/Alabama.html

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HOW THE BIDEN ADMINISTRATION PLANS...

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And while we'll have to wait to see exactly what happens with Biden's remaining agenda, a partial list of topics contained in Biden's environmental policy agenda include: rejoining the Paris Climate Accord, a climate change plan with the goal to reduce greenhouse gases; an increased focus on environmental justice and heightened enforcement; and revisiting the Trump Administration's executive orders and deregulatory actions, among others.

Trump and Biden Administration Environmental Policy Agenda Differences

The Trump Administration focused on EPA embracing the principles of "cooperative federalism" and EPA's FY 2018-2022 Strategic Plan specifically implemented cooperative federalism in the compliance and enforcement process with states primarily taking the lead. This resulted in a decline in the number of federal enforcement cases initiated by EPA under the Trump Administration.

It's expected that a Biden Administration EPA will take a more active, aggressive position in pursuing federal enforcement cases. It is also anticipated the EPA will reinstate the use of supplemental environmental projects (SEPs) in resolving civil enforcement cases. In March 2020, the US Department of Justice (DOJ) announced that EPA lawyers may no longer use SEPs in consent decrees or settlements because "SEPs violate the spirit, if not the letter, of the Miscellaneous Receipts Act, which is intended to protect Congress' constitutional power of the purse." In Biden's Administration, SEPs will likely be resurrected and allowed for use by EPA in settlements as a means to carry out specific projects and implement environmental justice goals.

The remainder of this article will focus on the environmental regulations that are likely to be impacted by the change in administration and the possible tools the Biden Administration may use to enact their agenda.

Available Tools to Steer Environmental Policy and Regulations

The Trump Administration deployed various tools, including executive orders (EO), rewriting and repealing regulations, issuing updated regulatory guidance, and used the Congressional Review Act (CRA), to nullify 15 Obama-era regulations. It's reasonable to expect Biden's Administration will likely use many of the same tools to implement their environmental policy and agenda.

Potential Use of the Congressional Review Act

The CRA, adopted in 1996 as part of the Small Business Regulatory Enforcement Fairness Act (SBREFA), gives Congress the ability to nullify, by a simple majority vote of both chambers, any rule that was finalized within 60 days before the date on which the previous Congress adjourned its final session. 5 U.S.C. § 801(d).

With the Democrats having a majority in the House and with Vice President Harris having the tie-breaking vote in the Senate, they now hold the upper hand with presidential policy implementation. With the Congress seemingly aligned with the President, this should pave the way for using the CRA as a powerful tool in steering environmental regulations. If unsuccessful in their use of the CRA, the Biden Administration will need to rely on EOs and the lengthier process of re-writing regulations.

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RENEW YOUR ALABAMA AWMA MEMBERSHIP DUES ONLINE

AVAILABLE THROUGH APRIL 15

We've provided a few helpful links via email. The first is to pay your dues online. This is available through April 15.

The second is a survey to better understand how your membership in the Alabama Chapter of AWMA can better serve you. This will be available through March 30.

As always, please feel free to reach out to any member of the board or our chapter email at alawma@gmail.com if you would like to get more involved in our chapter or have any questions.

WE LOOK FORWARD TO FINDING NEW WAYS TO SERVE OUR MEMBERS IN THE COMING YEAR. YOUR CONTINUED SUPPORT MAKES THAT POSSIBLE!



AIR & WASTE MANAGEMENT
ASSOCIATION

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TRAINING OPPORTUNITIES

Information on the following events is available on the Event Calendar at AWMA.org

April 14, 2021 – May 19, 2021	Wildfires Virtual Conference Series: Air Quality, Health Effects, and Smoke Management Progress
May 11-13, 2021	Air Quality Measurement Methods and Technology Conference (Virtual)
June 14-17, 2021	114th Annual Conference & Exhibition (Virtual)
September 23-24, 2021	Advancements in Vapor Intrusion and Emerging Contaminant Air Quality Issues
October 4-8, 2021	Atmospheric Optics: Aerosols, Visibility, and the Radiative Balance
April 8-10, 2022	Leadership Training Academy

IF YOU WOULD LIKE TO INCLUDE TRAINING OR NETWORKING OPPORTUNITIES IN
UPCOMING NEWSLETTERS, PLEASE LET US KNOW AT ALAWMA@GMAIL.COM

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The following is a partial list of regulations that are thought to be in the crosshairs of the new administration:

Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act, which reforms and expedites the National Environmental Policy Act (NEPA) process for reviewing projects with significant environmental impacts. If the Trump Administration's rule cannot be nullified under the CRA, the Biden Administration may work to repeal the regulations.

Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources, which removes the transmission and storage segment from the oil and gas industry source category. If Democrats cannot use the CRA to nullify, the Biden Administration EPA will likely seek to repeal those revisions.

Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act, which repealed the Clinton-era "Once in, Always In" and amended the NESHAPS regulations to permit major air emissions sources of hazardous air pollutants that fall below potential to emit thresholds to be reclassified as "area sources" at any time upon achieving that reduction.

Notice of Availability of the National Petroleum Reserve in Alaska Integrated Activity Plan Final Environmental Impact Statement, which opens an additional 6.6 million acres of the National Petroleum Reserve-Alaska to oil and gas leasing.

The Affordable Clean Energy Rule, which repealed and replaced the Obama Administration's Clean Power Plan.

Coal Combustion Residuals (CCR) or Coal ash disposal regulations – Part A and Part B, which requires that unlined coal ash surface impoundments are required to retrofit or close, establishes liner requirements, and grants certain facilities additional time to develop alternative capacity to manage their waste streams. If Biden's Administration believe that Trump's EPA weakened the regulations on coal ash, then we could see more rollbacks on these rules. Additionally, the EPA under Trump approved two states to administer their own CCR program, and recently proposed to approve a partial CCR state permit for Texas. States submitting future applications seeking authority over their own CCR permit program may find the Biden EPA approval process more stringent.

Executive Orders Likely Targeted by Biden's Administration

While a number of Trump policies were established by EO, President Biden can quickly reverse them simply by withdrawing the EO, policy or guidance, or declining to enforce it. The following EOs are likely targets of the Biden Administration:

E.O. 13771: "Reducing Regulation and Controlling Regulatory Costs," which was put in place with the goal of eliminating duplicative regulations by directing every agency to identify existing regulations for elimination and eliminate two for every one new regulation.

E.O. 13778: "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule," which directed the US EPA and the Army Corps of Engineers to review the "Waters of the United States" for consistency with the CWA.

E.O. 13783: "Promoting Energy Independence & Economic Growth," which directed all agencies to "review existing regulations that potentially burden the development or use of domestically produced energy resources" and "suspend, revise, or rescind those that unduly burden the development of domestic energy resources".

E.O. 13807: "Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects," which recognized that "more efficient and effective Federal infrastructure decisions can transform our economy," required coordination among approving agencies, and directed that environmental review and approval of major infrastructure projects be completed within an average of two years.

Other Regulatory Policies Likely Targeted by Biden's Administration

The Biden Administration can also quickly reverse or revise specific Trump Administration policies simply by rescinding or revising agency memos and guidance documents. Some of the likely policies that may garner immediate action include: active regulation on PFAS, an update to the EPA's Guidance on Significant Impact Levels (SILs) for ozone and fine particulate under the prevention of significant deterioration (PSD) permitting program and the EPA's memo providing state flexibility under the CAA in their State Implementation Plans (SIPs) regarding the Start-Up, Shut-Down & Malfunction (SSM) SIP policy and an increased pressure to lower the ozone National Ambient Air Quality Standard (NAAQS) when the time comes to review the standard.

In conclusion, if Biden's agenda plays out the way most predict, there will be wholesale environmental policy changes with this new administration and industry is likely to find itself caught in the middle of these political power struggles, ultimately becoming the victim of over-regulation until the pendulum swings once again.

THE ALABAMA CHAPTER BOARD

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Adam George
ECT, Inc.
(One year term ending January 2022, then assumes position of Past Chair/Director)

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(One year term ending January 2022)

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DIRECTOR

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Alabama Power
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DIRECTOR

Gretta Martin
Sanders Engineering & Analytical Services, Inc (SEAS)
(Two year term ending 2023)

MEET THE NEW BOARD MEMBERS

STEVEN BURNS, VICE-CHAIR

Steven Burns is a Partner in the Environmental and Natural Resources section of Balch & Bingham LLP in Birmingham, Alabama. He counsels the firm's clients on issues including coal ash, solid and hazardous waste, water quality, flow and water quantity, Corps of Engineers permitting, threatened and endangered species, environmental litigation, and information management. Steven has twice served as Chair of the Alabama Chapter of the Air & Waste Management Association, and he currently serves as Counsel and Secretary to the National Waterways Conference. Steven earned his law degree from Georgetown and graduated from Rhodes College in Memphis, Tennessee.

KYLE FLOWERS, TREASURER

Kyle Flowers is Senior Environmental Scientist with KGS/Trinity where he provides environmental compliance, analysis and audit support to multiple military clients around the country. He also performs environmental training to installation employees and leaders to include Air Quality, NEPA, and SPCC program areas. He has 28 years of experience in the air quality arena and recently branched out to provide storm water permitting and technical support as well. He retired from ADEM in 2016 as an Environmental Manager and began a private sector career. He served the A&WMA in several capacities over the years to include holding chair positions on the board of the Alabama Chapter, as well as the Southern Section. Kyle would bring years of leadership experience to the Chapter Board. His primary goal is to work to make hosting the Southern Section Conference a profitable endeavor for the chapter, and to assist the board in further positioning the Alabama Chapter in such a way as to provide the most value to its members.

PHIL DAVIS, DIRECTOR & SOUTHERN SECTION LIASION

Phillip Davis is the Director of Regulatory Affairs for Highland Technical Services, Inc (HTSI). Phil joined HTSI in September 2017 following his retirement from the Alabama Department of Environmental Management (ADEM). While at ADEM, Phil served in various capacities during his career of more than 28 years, including with the Water Division, Air Division, Solid and Hazardous Wastes Branches and for the last 5 years, as the Chief of the Land Division. In that position, Phil oversaw a budget of nearly \$30 million and was responsible for more than 140 employees who implemented Alabama's regulations governing all aspects of waste management and remediation, including solid and hazardous wastes, underground storage tanks, and brownfields/voluntary cleanup program site redevelopment. During his ADEM career, Phil authored numerous regulations and drafted the 2008 amendments to the State's Solid Wastes and Recyclable Materials Management Act. In 2016, Phil was appointed to the Governor's Solid Waste Management Task Force and participated in the development of new, statutory landfill siting requirements which were signed into law in 2017.

A native of Kingsport, Tennessee, Phil graduated from Auburn University in 1988 with a Bachelor's of Civil Engineering. He is a registered Professional Engineer in Alabama, and has been active in a number of professional organizations including serving on the Boards of Alabama's Water Environment Association, the Southern Section and Alabama Chapter of the Air & Waste Management Association and the Alabama Chapter of the Solid Waste Association of North America.

A resident of Prattville for over 25 years, Phil and his wife Nikki have four children, which keep him busy and greatly limit his ability to be a really bad golfer.

GRETTA MARTIN, DIRECTOR

Gretta has been employed with Sanders Engineering & Analytical Services, Inc. for 30 years. Sanders Engineering has provided environmental testing and consulting for over 40 years. She began as an Administrative Assistant and attended the University of South Alabama where she majored in Chemistry while also working full time. Gretta counts herself fortunate to work for a company who saw the value of mentoring and promoting based on a hard work ethic. She is now the Vice President of Sanders Engineering and looks forward to many more years in the environmental industry.