

Public Hearing

Proposed Coal Combustion Residuals (CCR) Permit

Alabama Power Company (James M. Barry Electric Generating Plant)

March 30, 2021

6:00 p.m.

Hampton Inn and Suites

80 Shell Street

Saraland, Alabama 36571

1 [NAME, Hearing Officer:]

2 Good evening and welcome to the public hearing on behalf of the Alabama Department
3 of Environmental Management.

4 My name is XXXX XXXX. I am the designated Hearing Officer for these proceedings.
5 The role of the Hearing Officer is limited to ensuring an orderly hearing so that an accurate
6 record of this hearing may be developed for the Department's evaluation. I do not make any
7 decisions regarding these proposed permit actions.

8 On behalf of the Department, we appreciate your participation in tonight's hearing for the
9 following proposed permit action for Alabama Power Company's James M. Barry Electric
10 Generating Plant Ash Pond and Gypsum Pond located near 15300 Highway 43 North, Bucks,
11 Alabama 36512:

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- 13 • The proposed initial issuance of a Coal Combustion Residuals (CCR) Permit No. 49-
14 35 to close the Plant Barry Ash Pond and to operate the Plant Barry Gypsum Pond.

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16 The purpose of this hearing is to provide the public with an opportunity to present oral
17 testimony on the proposed permit actions.

18 In addition to oral testimony, the Department also will consider all written comments
19 submitted before the close of the public comment period. The Department has requested your
20 comments, and we appreciate you taking the time to make them known to us.

21 On February 19, 2021, notice of the date, time, place, and purpose of this hearing was
22 posted on the Department's website and published in the *Mobile Press Register*. In addition, the
23 Department sent notice of this hearing by email to individuals and organizations who had

24 previously requested advance notice of permit proceedings. A copy of the notice and the email
25 distribution list will be entered into the record of these proceedings.

26 Copies of the public notice, permit application, preliminary determination, and draft
27 permit have been made available for inspection by the public at the offices of the Department at
28 1400 Coliseum Boulevard in Montgomery, as well as on the Department's website.

29 This hearing is open to the public and anyone wishing to present oral testimony or submit
30 a written statement may do so. Lengthy statements or those containing considerable technical or
31 other complex data should be submitted in writing. Summaries of such statements may be
32 presented orally.

33 All testimony and written comments should be as factual as possible and should address
34 the subject of this hearing.

35 This hearing is an opportunity for members of the public to offer comments to help
36 ensure that all relevant factors are considered before a final permit decision is made.

37 Please be advised that the Department is limited in the factors it can consider when
38 making permit decisions and must base the determinations only on whether the permit applicant
39 has satisfied those requirements of applicable environmental statutes and regulations granted to
40 ADEM by the Legislature.

41 Persons giving testimony may be questioned by the Hearing Officer or other Department
42 staff to clarify points and to develop a better understanding of what is being presented.

43 This proceeding tonight is not an open forum as in a question-and-answer session. This
44 hearing is an opportunity for you to submit comments that you wish the Department to consider
45 in the final review of the permit applications. However, you may pose a comment in the form of

46 a question which will be compiled and addressed by the Department in its complete response to
47 comments.

48 In addition to oral testimony, written comments may be submitted on the proposed permit
49 actions. You do not have to make an oral statement tonight in order to have your written
50 comments considered by the Department.

51 Written statements may be submitted to the Hearing Officer tonight or delivered to the
52 Department in Montgomery, as directed in the public notice for this hearing. All written
53 statements previously submitted and those received by the Department before the end of the
54 public comment period will be included in the hearing record.

55 It is important to note that written comments submitted through postal or electronic mail
56 are given the same consideration as those that are presented in person at this hearing. All oral
57 and written testimony will be included in the hearing record.

58 After giving full consideration to the hearing record, the Department will make its final
59 decision on the proposed permit actions and develop responses to comments for the proposed
60 permits. The hearing record, final permit determinations, and responses to comments will be
61 posted to the Department's eFile System.

62 This hearing is being captured by a court reporter to develop a transcript of this hearing
63 for review by the Department. In addition, the entire proceeding is being recorded on video to be
64 posted on the Department's YouTube channel to make is accessible to the public.

65 Now let us move on to the purpose of this hearing, the receipt of public comments. The
66 order of appearance of persons giving testimony will be as follows: first, representatives of the
67 Department's Land Division; then, a representative of the Alabama Power Company; then, any
68 elected officials or their representatives who have preregistered to speak. All remaining

69 members of the public will be heard in the order in which they registered during the
70 preregistration offered online or by phone and then those that registered on-site at this hearing.

71 I now recognize Mr. Devin Jenkins to present a statement on behalf of the Department's
72 Land Division.

73 **[After Mr. Jenkins speaks:]**

74 **[If permit applicant representative preregistered to speak]** We will now proceed to
75 the receipt of public comments from a representative of the permit applicant. First, I recognize
76 [Title and Full Name of Official].

77 **[After permit applicant representative enters]** Please step up to the microphone and
78 clearly restate your name and title that you hold. Please speak clearly into the microphone to
79 ensure an accurate record of your testimony can be recorded.

80 **[After permit applicant representative speaks:]**

81 **[If elected officials have preregistered to speak]** We will now proceed to the receipt of
82 public comments from elected officials. First, I recognize [Title and Full Name of Official].

83 **[After elected official enters]** Please step up to the microphone and clearly restate your
84 name and the office that you hold. Please speak clearly into the microphone to ensure an
85 accurate record of your testimony can be recorded.

86 **[After all elected officials have spoken:]**

87 We will now proceed to the receipt of comments from members of the public. As
88 indicated in the public notice for this hearing, oral testimony for each registered speaker is
89 limited to seven minutes. If anyone has prepared a statement that cannot be presented in a 7-
90 minute time frame, please use your time for oral testimony to summarize your comments and
91 submit your full statement to the Department in writing for placement in the record.

92 First, I recognize [Name of Registered Speaker].

93 **[After registered speaker enters]** Please step up to the microphone and clearly restate
94 your name and the name of any interest or organization that you represent. Please speak clearly
95 into the microphone to ensure an accurate record of your testimony can be recorded. Please also
96 remember that this is not a question and answer session.

97 **[After all registered speakers have spoken:]**

98 Since there are no further registered speakers, please be advised that unless otherwise
99 notified, the public comment period will end at 5:00 p.m. on Tuesday, April 6, 2021. All
100 comments must be received at the offices of the Department in Montgomery by that time.

101 After consideration of all oral and written comments, the Department will make its
102 determinations regarding the proposed permit action and prepare responses to all relevant
103 comments received.

104 Thank you for your participation this evening. This hearing is adjourned.