

Public Hearing

Proposed Coal Combustion Residuals (CCR) Permit

PowerSouth Energy Cooperative (Charles R. Lowman Power Plant)

July 22, 2021

6:00 p.m.

City of Jackson City Hall

400 Commerce Street

Jackson, Alabama 36545

1 **[Mary Frank Brown, 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 Mary Frank Brown. I am the designated Hearing Officer for these
5 proceedings. The role of the Hearing Officer is limited to ensuring an orderly hearing so that an
6 accurate record of this hearing may be developed for the Department's evaluation. I do not make
7 any 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 PowerSouth Energy Cooperative's Charles R. Lowman
10 Power Plant CCR Surface Impoundment located near 4392 Carson Road, Leroy, Alabama
11 36548:

- 12 • The proposed initial issuance of a Coal Combustion Residuals (CCR) Permit No. 65-
13 06 to close the Lowman Plant CCR Impoundment.

14

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

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

20 On June 11, 2021, notice of the date, time, place, and purpose of this hearing was posted
21 on the Department's website and published in the *Mobile Press Register* and the *Washington*
22 *County News*. In addition, the Department sent notice of this hearing by email to individuals and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

97 Since there are no further registered speakers, please be advised that unless otherwise
98 notified, the public comment period will end at 5:00 p.m. on Thursday, July 29, 2021. All
99 comments must be received at the offices of the Department in Montgomery by that time.

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

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