

**Public Hearing**

**Proposed Coal Combustion Residuals (CCR) Permit**

**Alabama Power Company (James H. Miller, Jr. Electric Generating Plant)**

**October 20, 2020**

**6:00 p.m.**

**West Jefferson Town Hall**

**7000 West Jefferson Road**

**Quinton, Alabama 35130**

1 **[Becky Patty, 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 Becky Patty. 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 H. Miller, Jr. Electric  
10 Generating Plant Ash Pond located near 4250 Porter Road, Quinton, Alabama 35130:

- 11 • The proposed initial issuance of a Coal Combustion Residuals (CCR) Permit No. 37-  
12 51 to close the Plant Miller Ash Pond.

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

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

18 On September 11, 2020, notice of the date, time, place, and purpose of this hearing was  
19 posted on the Department's website and published in the *Birmingham News*. In addition, the  
20 Department sent notice of this hearing by email to individuals and organizations who had  
21 previously requested advance notice of permit proceedings. A copy of the notice and the email  
22 distribution list will be entered into the record of these proceedings.

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

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

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

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

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

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

40 This proceeding tonight is not an open forum as in a question-and-answer session. This  
41 hearing is an opportunity for you to submit comments that you wish the Department to consider  
42 in the final review of the permit applications. However, you may pose a comment in the form of  
43 a question which will be compiled and addressed by the Department in its complete response to  
44 comments.

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

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

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

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

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

62           Now let us move on to the purpose of this hearing, the receipt of public comments. The  
63 order of appearance of persons giving testimony will be as follows: first, representatives of the  
64 Department's Land Division; then, a representative of the Alabama Power Company; then, any  
65 elected officials or their representatives who have preregistered to speak. All remaining  
66 members of the public will be heard in the order in which they registered during the  
67 preregistration offered online or by phone and then those that registered on-site at this hearing.

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

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

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

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

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

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

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

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

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

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

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

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

95           Since there are no further registered speakers, please be advised that unless otherwise  
96 notified, the public comment period will end at 5:00 p.m. on Tuesday, October 27, 2020. All  
97 comments must be received at the offices of the Department in Montgomery by that time.

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

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