

Public Hearing

**Proposed Air Permits For Prevention of Significant Deterioration (PSD),
Proposed Title V Major Source Operating Permit, and
Proposed National Pollutant Discharge Elimination System (NPDES) Permit
Alabama Power Company (Barry Electric Generating Plant)**

October 15, 2020

6:00 p.m.

Hampton Inn & Suites

80 Shell St

Saraland, AL 36571

1 **[Christy Monk, 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 Christy Monk. 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 joint hearing
9 for the following proposed permit actions for Alabama Power Company's Barry Electric
10 Generating Plant located at 15300 Highway 43 North, Bucks, AL 36512:

- 11 • The proposed issuance of Air Permits for Prevention of Significant Deterioration
12 (PSD), specifically Air Permit Numbers 503-1001-X014, 503-1001-X015, and 503-
13 1001-X016;
- 14 • The proposed renewal of Title V Major Source Operating Permit Number 503-1001,
15 and
- 16 • The proposed reissuance of the National Pollutant Discharge Elimination System
17 (NPDES) Permit Number AL0002879

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

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

23 On September 11, 2020, notice of the date, time, place, and purpose of this hearing was
24 posted on the Department’s website. In addition, the Department sent notice of this hearing by
25 email to individuals and organizations who had previously requested advance notice of permit
26 proceedings. A copy of the notice and the email distribution list will be entered into the record
27 of these proceedings.

28 Copies of the public notice, permit applications, preliminary determinations, and draft
29 permits have been made available for inspection by the public at the offices of the Department at
30 1400 Coliseum Boulevard in Montgomery, as well as on the Department’s website.

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

35 All testimony and written comments should be as factual as possible and should address
36 the subject of this hearing. Please be aware that comments concerning the method of closure of
37 the coal ash surface impoundment will NOT be considered with respect to the final decision for
38 the proposed permit actions.

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

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

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

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

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

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

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

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

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

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

76 I now recognize Mr. Tyler Phillips to present a statement on behalf of the Department's
77 Air Division.

78 **[After Mr. Phillips speaks:]**

79 I now recognize Mr. Theo Pinson to present a statement on behalf of the Department's
80 Water Division.

81 **[After Mr. Pinson speaks:]**

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

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

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

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

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

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

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

99 Since there are no registered speakers, please be advised that unless otherwise notified,
100 the public comment period will end at 5:00 p.m. on Thursday, October 22, 2020. All comments
101 must be received at the offices of the Department in Montgomery by that time.

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

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