

**Public Hearing**

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

**Alabama Power Company (E. C. Gaston Electric Generating Plant)**

**April 1, 2021**

**6:00 p.m.**

**Shelby County High School Auditorium**

**101 Washington Street**

**Columbiana, Alabama 35051**

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 Alabama Power Company's E. C. Gaston Electric  
10 Generating Plant Ash Pond and Gypsum Pond located near 31972 Highway 25, Wilsonville,  
11 Alabama 35189:

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- 13 • The proposed initial issuance of a Coal Combustion Residuals (CCR) Permit No. 59-  
14 16 to close the Plant Gaston Ash Pond and to operate the Plant Gaston 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 *Birmingham News* and published in the  
23 *Shelby Co Reporter* on February 21, 2021. In addition, the Department sent notice of this hearing

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

27 Copies of the public notice, permit application, preliminary determination, and draft  
28 permit have been made available for inspection by the public at the offices of the Department at  
29 1400 Coliseum Boulevard in Montgomery, as well as on the Department's website.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

81 **[After permit applicant representative 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 further registered speakers, please be advised that unless otherwise  
100 notified, the public comment period will end at 5:00 p.m. on Thursday, April 8, 2021. All  
101 comments 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 action and prepare responses to all relevant  
104 comments received.

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