

1 SJR124  
2 161326-2  
3 By Senator Bedford  
4 RFD:  
5 First Read: 03-APR-14

1 SJR124

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4 ENROLLED, SJR124,

5 URGING THE GOVERNOR AND DIRECTOR OF THE ALABAMA  
6 DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO JOIN THE LEGISLATURE  
7 IN LODGING CERTAIN FORMAL REQUESTS WITH THE ADMINISTRATOR OF  
8 THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND THE SUPERVISOR OF  
9 THE U.S. FOREST SERVICE FOR REGION 8, SOUTHERN REGION.

10  
11 WHEREAS, construction of a Mississippi Silicon, LLC,  
12 smelting plant site is proximate to Lauderdale, Colbert, and  
13 Franklin Counties in Alabama, and to the Sipsey Wilderness  
14 Area within Bankhead National Forest in Alabama, the later  
15 being an area of natural wonder and scenic beauty; these areas  
16 in Alabama and residents thereof would be negatively impacted  
17 by the proposed plant, contrary to federal law; and

18 WHEREAS, the Mississippi Department of Environmental  
19 Quality (MDEQ) has failed to include enforceable limitations  
20 relied upon by the Federal Land Manager; therefore the  
21 Mississippi Silicon, LLC, facility will negatively impact the  
22 Sipsey Wilderness Area; and

23 WHEREAS, the MDEQ issued Permit No. 2640-0006 on  
24 November 27, 2013 to Mississippi Silicon, LLC, after an  
25 abbreviated review process in which the required public

1 comment period was inadequately noticed, and MDEQ failed to  
2 hold a public hearing prescribed by federal law; and

3 WHEREAS, the permit is further defective because  
4 MDEQ failed to provide adequate written notice to the State of  
5 Alabama of the impacts that may be caused by the proximate  
6 Mississippi Silicon, LLC, facility prior to issuing the  
7 permit, as required by federal law; and

8 WHEREAS, the permit is further defective because it  
9 fails to set appropriate limits for the proposed Mississippi  
10 Silicon, LLC, plant, and is based on improperly estimated air  
11 emissions and an inadequate assessment of compliance with  
12 applicable National Ambient Air Quality Standards (NAAQS); and

13 WHEREAS, the MDEQ has made a preliminary  
14 determination and issued the permit without requiring  
15 Mississippi Silicon, LLC, to submit appropriate supporting  
16 technical analyses including air quality modeling; and

17 WHEREAS, as a result the foregoing defects, and  
18 others, the permit fails, among other things, to identify all  
19 applicable limitations and ensure compliance therewith, to the  
20 detriment of the State of Alabama; and

21 WHEREAS, under federal law, the State of Alabama is  
22 entitled to petition federal authorities to remedy the  
23 foregoing problems and deficiencies with the permit and the  
24 proposed plant to which it pertains; now therefore,

1           BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH  
2 HOUSES THEREOF CONCURRING, That we urge the Governor of  
3 Alabama and the Director of the Alabama Department of  
4 Environmental Management to join the Legislature in lodging  
5 formal requests with the Administrator of the U.S.  
6 Environmental Protection Agency to petition the Mississippi  
7 Department of Environmental Quality (MDEQ) to reopen the  
8 public comment period and hold a public hearing for the  
9 subject permit, and to issue an order pursuant to 42 U.S.C.  
10 §7477 to prevent continued construction of the Mississippi  
11 Silicon, LLC, facility until such time as MDEQ revokes the  
12 permit and reopens the public comment period, holds a public  
13 hearing on the permit, and otherwise complies fully with the  
14 requirements of the Clean Air Act.

15           BE IT FURTHER RESOLVED, That we urge the Governor of  
16 Alabama and the Director of the Alabama Department of  
17 Environmental Management to join the Legislature in lodging a  
18 formal request with the Supervisor of the U.S. Forest Service  
19 for Region 8, Southern Region of National Forests in Alabama,  
20 who serves as the Federal Land Manager for the Sipsey  
21 Wilderness Area within Bankhead National Forest, that the  
22 Class I Air Quality Related Values (AQRV) analyses submitted  
23 by Mississippi Silicon, LLC, as part of its application for  
24 the permit be reevaluated by his agency.

1           BE IT FURTHER RESOLVED, That we direct the Secretary  
2 of the Senate and Clerk of the House to provide a copy of this  
3 resolution to the Governor of Alabama, the Director of the  
4 Alabama Department of Environmental Management, the  
5 Administrator of the U.S. Environmental Protection Agency, the  
6 Regional Administrator of the U.S. Environmental Protection  
7 Agency, Region 4, and the Supervisor of the U.S. Forest  
8 Service for Region 8.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SJR124  
Senate 03-APR-14  
I hereby certify that the within Senate Joint Resolution  
originated in and was adopted by the Senate.

Patrick Harris  
Secretary

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House of Representatives  
Adopted: 03-APR-14

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By: Senator Bedford