

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

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

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

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

26 WHEREAS, the MDEQ issued Permit No. 2640-0006 on
27 November 27, 2013 to Mississippi Silicon, LLC, after an

1 abbreviated review process in which the required public
2 comment period was inadequately noticed, and MDEQ failed to
3 hold a public hearing prescribed by federal law; and

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

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

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

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

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

26 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
27 HOUSES THEREOF CONCURRING, That we urge the Governor of

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

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

23 BE IT FURTHER RESOLVED, That we direct the Secretary
24 of the Senate and Clerk of the House to provide a copy of this
25 resolution to the Governor of Alabama, the Director of the
26 Alabama Department of Environmental Management, the
27 Administrator of the U.S. Environmental Protection Agency, the

1 Regional Administrator of the U.S. Environmental Protection
2 Agency, Region 4, and the Supervisor of the U.S. Forest
3 Service for Region 8.