

In The Matter Of:
*Public Hearing for Proposed Revisions to
ADEM Administrative Code Division 13*

September 5, 2019

*Baker Realtime Worldwide Court Reporting
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MA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC HEARING

FOR PROPOSED REVISIONS TO

ADEM ADMINISTRATIVE CODE DIVISION 13

MONTGOMERY, ALABAMA

SEPTEMBER 5, 2019

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REPORTER: PATRICK R. MILLER, ACCR-631

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APPEARANCES

THE HONORABLE MONICA JAYROE

Also Present:

MR. ERIC SANDERSON

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2 HEARING OFFICER: Good morning,
3 everybody. It's about 10:30 in the
4 morning, and we're going to go ahead
5 and get started. This is the public
6 hearing for the proposed revisions to
7 ADEM Administrative Code Division 13.
8 My name is Monica Jayroe, and I am
9 with the Alabama Department of
10 Environmental Management. It's my
11 pleasure to welcome you to the hearing
12 this morning, and I will be serving as
13 the designated hearing officer for
14 this hearing. Again, the subject of
15 this hearing is the proposed revisions
16 to ADEM Administrative Code Division
17 13 35-13-16, requirements for the use
18 of byproduct materials for the purpose
19 of land application.

20 Notice of the date, time, place,
21 and purpose of this hearing was
22 published in the Birmingham News, the
23 Huntsville Times, the Mobile Press

1 Register, and the Montgomery
2 Advertiser on July 21st, 2019. Copies
3 of the certifications of these
4 publications are submitted for the
5 hearing record as Exhibits C-1 through
6 C-4.

7 On July 26th, 2019, the Department
8 also caused the same notices to be
9 sent to 2,275 individuals and
10 organizations requesting advanced
11 notice of rulemaking. A listing of
12 the individuals and organizations
13 notified will be entered into the
14 hearing record as Exhibit C-5. One
15 original copy of the proposed rules
16 was filed with the Administrative
17 Procedure Division of the Legislative
18 Services Agency, and seven copies were
19 furnished to the Joint Committee for
20 Administrative Regulation Review on
21 July 22nd, 2019. A copy of the notice
22 was also published in the Alabama
23 Administrative Monthly, Volume 37,

1 Issue 10, on July 31st, 2019. These
2 facts are attested to by Othni
3 Lathram, the Director of the
4 Legislative Services Agency, by
5 affidavit, which is submitted for the
6 hearing record as Exhibit C-6.

7 Copies of the proposed rules have
8 been available for inspection by the
9 public at ADEM field offices in
10 Birmingham, Mobile, and Decatur, and
11 ADEM offices in Montgomery. The
12 proposed regulation changes have also
13 been made available on the ADEM
14 Internet site at adem.alabama.gov. A
15 copy of the proposed rules is
16 submitted for the hearing record as
17 Exhibit B-1. A copy of the summary of
18 reasons supporting the adoption of
19 rules is submitted for the hearing
20 record as Exhibit B-2.

21 The Department has given public
22 notice of these rulemaking
23 proceedings. To date, five written

1 comments have been received. The
2 hearing is being conducted to provide
3 the public with an opportunity to
4 present data, views, questions, and
5 arguments on the proposed rules. It
6 is open to the public, and anyone
7 wishing to present oral testimony or a
8 written statement may do so. Persons
9 who have not previously advised the
10 hearing officer of their intent to
11 give oral testimony should complete a
12 registration card and present it to
13 the representative at the registration
14 table.

15 Is there anyone here who wants to
16 speak who has not registered yet?

17 (No response was heard.)

18 HEARING OFFICER: No? Okay. All
19 verbal and written comments received
20 today and during the public notice
21 period will become a part of the
22 hearing record. The information in
23 the record will be used in evaluating

1 the proposed rules. Each person who
2 has registered to speak will be given
3 five minutes to present their
4 testimony. Lengthy statements
5 containing considerable technical or
6 other significant data should be
7 submitted for the record in writing.
8 Summaries of such statements may be
9 presented orally. All testimony and
10 written statements should be as
11 factual as possible and should address
12 the subject of this hearing. This
13 hearing is not intended as a
14 question-and-answer session. The
15 persons giving testimony will not be
16 subject to questioning by the public.
17 Those speaking may be questioned by
18 the hearing officer or another
19 representative of the Department of
20 Environmental Management to clarify
21 points and to develop a better
22 understanding of the information being
23 presented.

1 We will now proceed to the
2 principal purpose of today's hearing,
3 the receipt of public comments. I
4 would ask each person making a
5 statement to step to the podium right
6 over here, state your name, and if you
7 represent an interest or organization
8 other than yourself, please state the
9 name of the interest or organization
10 that you represent. This hearing is
11 being recorded by a court reporter.
12 When you state your name, please spell
13 your name for the court reporter, as a
14 transcript of this hearing is being
15 created and will be included in the
16 public record. The order of
17 appearances of persons giving oral
18 testimony will be as follows. First,
19 a representative of the Alabama
20 Department of Environmental
21 Management, then public officials, and
22 then members of the public in the
23 order that they filed registration

1 cards to give oral testimony. The
2 exception there is I have people who
3 stated they wanted to speak last or
4 next-to-last, and so your cards are
5 placed last and next-to-last.

6 I will now call on Eric Sanderson,
7 the Chief of the Solid Waste Section
8 of the Land Division, to speak.

9 MR. SANDERSON: Good morning. My
10 name is Eric Sanderson, and I am Chief
11 of the Solid Waste Branch of the Land
12 Division of the Alabama Department of
13 Environmental Management. I am going
14 to provide a brief summary of the
15 reasons supporting the proposed
16 modifications to the ADEM
17 Administrative Code Division 13
18 regulations. Under the provisions of
19 the Alabama Environmental Management
20 Act 22-22A, Code of Alabama, 1975 as
21 amended, the Department of
22 Environmental Management was given the
23 authority to adopt rules, regulations,

1 and standards in order to carry out
2 the provisions and intent of this
3 chapter. This chapter also provides
4 for the authority to recover the
5 reasonable and anticipated costs to be
6 incurred related to the issuance,
7 reissuance, modification, or denial of
8 any permit, license, certification, or
9 variance. Such costs include but are
10 not limited to the examination and
11 processing of applications, plans,
12 specifications, or any other data, any
13 necessary public hearings and
14 investigations. The Administrative
15 Procedures Act, Section 41-22-4
16 requires each agency to adopt rules of
17 practice setting forth the nature and
18 requirements of all formal and
19 informal procedures available
20 including a description of all forms
21 and instructions used by the Agency.
22 In accordance with the Environmental
23 Management Act, the Department is

1 revising the ADEM Administrative Code
2 Division 13 regulations to include
3 Chapter 335-13-16, requirements for
4 beneficial use of byproduct materials
5 for the purpose of land application.
6 The proposed chapter will establish
7 procedures to encourage and regulate
8 the land application of eligible
9 nonhazardous byproduct materials
10 within the state. These regulations
11 provide the Department with the
12 regulatory authority to resolve issues
13 relating to the handling,
14 transportation, and application of
15 beneficially use materials for land
16 application which can cause human
17 health and environmental issues.

18 The purpose of today's hearing is
19 to provide an opportunity to receive
20 public comment regarding the
21 modifications as noted. The
22 Department welcomes your input to this
23 process and will consider all

1 technical comments prior to making a
2 final decision concerning the
3 modification of these regulations.
4 The Department will also provide a
5 written response to each commenter and
6 to those requesting specific notice of
7 our decision.

8 Thank you.

9 HEARING OFFICER: Thank you,
10 Mr. Sanderson.

11 I will now call on public officials
12 who are attending this meeting to step
13 forward and speak.

14 Do we have any public officials
15 present here today?

16 (No response was heard.)

17 HEARING OFFICER: Let the record
18 show that no public officials attended
19 and/or registered to speak.

20 I will now call on the members of
21 the public in the order in which they
22 filed their registration cards to give
23 their testimony.

1 Corriene Mitchell?

2 MS. MITCHELL: My name is Corriene
3 Mitchell. It's C-o-r-r-i-e-n-e,
4 initial H., M-i-t-c-h-e-l-l. And I am
5 here to speak about the byproduct that
6 is supposedly called food grade
7 quality that is being used in Marshall
8 County and Blount County and other
9 counties, so far as I know. This is
10 poultry plant processing waste. It
11 was first brought to our attention and
12 our community in the last week of
13 December of 2011, and I have written
14 comments to present to you from myself
15 and my husband as well as five other
16 people in the community. I am just a
17 high school graduate. I don't have a
18 degree in science. I was raised on a
19 farm. I live on the farm I was born
20 on. I know about terracing. I know
21 about runoff. I know about porous
22 rock. I know about proximity to
23 creeks. I was raised with all of this

1 knowledge. My husband was raised on a
2 dairy farm and was also -- spent a
3 great deal of his teenage years near a
4 major creek. My problem with this is
5 that first of all, I don't believe
6 there is such a thing as food quality
7 waste coming out of a poultry plant.
8 I know a lot of people who have worked
9 at poultry plants. My son worked
10 there in Boaz for three summers when
11 he was in college. No one that I have
12 talked with that worked at a poultry
13 plant can believe that there is
14 something that is being -- coming out
15 of a plant that is food quality waste.
16 Food quality to me means that I might
17 be able to taste it. There's no way
18 that you would taste that stuff. It
19 has chemicals in it, it has feathers,
20 it has bacteria. And, of course,
21 because it has bacteria, it is very,
22 very much a bad odor. We just want
23 something done so that the poultry

1 plants have to process this onsite and
2 get it to a quality that they can
3 dismiss it into the city systems or
4 whatever, but that it should not be
5 trucked, it should not be put on land,
6 and that it should be regulated to
7 that extent. And that's my comments
8 for today.

9 Do I give this to you?

10 MR. SANDERSON: Yes.

11 HEARING OFFICER: Thank you,
12 Ms. Mitchell.

13 MS. MITCHELL: You're welcome.

14 HEARING OFFICER: Elden Chumley?

15 MR. CHUMLEY: Thank you. Elden,
16 E-l-d-e-n; Chumley, C-h-u-m-l-e-y,
17 Municipal Utility Board for the City
18 of Albertville. My comments are --
19 will be brief. The Utility Board of
20 Albertville invested significant
21 capital cost to develop a heat-treated
22 option to comply with the 503
23 regulations of EPA. By doing so, we

1 now meet the qualifications of Class
2 A, Exceptional Quality for Land Use.
3 I only ask for consideration in that,
4 because in the rule, the proposed
5 rule, it indicates that recordkeeping
6 of land application sites be
7 specifically spelled out. And part of
8 the 503 says that if you go to Class A
9 Exceptional Quality that you do not
10 have to keep up with everything,
11 because you have basically made a
12 product that can be given away. So
13 just for consideration in that.

14 Thank you.

15 HEARING OFFICER: Thank you.

16 Terri Graham?

17 (No response was heard.)

18 HEARING OFFICER: Okay. If I call
19 on you and you've decided you don't
20 have any comments or don't want to
21 speak, just let me know.

22 John Wright?

23 MR. WRIGHT: I don't have any.

1 HEARING OFFICER: Thank you,
2 Mr. Wright.

3 Keith Paul?

4 MR. PAUL: I have no comments.

5 HEARING OFFICER: Thank you.
6 Gene Thompson?

7 (No response was heard.)

8 HEARING OFFICER: Let me try again.
9 Greg Thompson?

10 MR. THOMPSON: Close, close.

11 MR. SANDERSON: Mr. Thompson?

12 HEARING OFFICER: Yes,
13 Mr. Thompson. My apologies.

14 MR. THOMPSON: Thank you. I'm Greg
15 Thompson, G-r-e-g; Thompson,
16 T-h-o-m-p-s-o-n. I am with Engineers
17 of the South. I would like to echo
18 what Elden Chumley said, that we would
19 appreciate consideration. If you read
20 the 503 regs -- and also this is in
21 reference to a municipal wastewater
22 biosolid. Not a chicken processing
23 biosolid, but a Class AEQ, which is,

1 by definition, an Excellent Quality.

2 The way the regs are currently

3 written, it does not provide any

4 differentiation between a Class B or a

5 Class A, which in essence extremely

6 discourages the further treatment to a

7 Class A Exceptional Quality standard.

8 And so in my opinion, ADEM policy

9 should only encourage for the

10 treatment. In fact, I believe you

11 used the word "encourage the

12 application of biosolids" in your

13 summary statement. But we would

14 encourage you to think through the

15 differentiation of those two classes.

16 Thank you.

17 HEARING OFFICER: Thank you,

18 Mr. Thompson.

19 MR. THOMPSON: Thank you.

20 HEARING OFFICER: Suzy Lindblom?

21 MS. LINDBLOM: No comments.

22 HEARING OFFICER: Thank you,

23 Ms. Lindblom.

1 Barry Brock?

2 MR. BROCK: No comment. Can we
3 still submit written comments?

4 HEARING OFFICER: Yes.

5 MR. SANDERSON: Yes.

6 HEARING OFFICER: Until 5:00 today.
7 Thank you, Mr. Brock.

8 Julie Lay?

9 MS. LAY: Hi, my name is Julie Lay.
10 My name is J-u-l-i-e; Lay, L-a-y. And
11 my husband's sons that are three years
12 old and six years old live in
13 Guntersville, Alabama, located in
14 Marshall County, northeast Alabama. I
15 am a concerned citizen whose family
16 has been directly impacted by the
17 spread of free food grade fertilizer
18 on land that is less than a quarter of
19 a mile from my home in one direction
20 north, and a half a mile in another
21 direction south that began on June
22 27th of 2019. I was driving home
23 after a long day with my two young

1 sons in the back seat talking about
2 our day. As I drove down Cox Gap Road
3 in Gunterville, I immediately rolled
4 up the window as I was warned by my
5 husband via phone call that a person
6 that leases land near our home had
7 spread fertilizer, and it's the worst
8 thing he has smelled. My husband
9 serves as a lieutenant for
10 Gunterville Fire and Rescue. He has
11 recovered deceased bodies in his line
12 of work. He describes it worse than a
13 decaying body. The air was
14 concentrated with a putrid smell of
15 decay and fat for four -- four weeks.
16 One relief that was given was
17 temperature, humidity, and wind
18 direction were in our favor. We were
19 unable to play outside with our sons.
20 We canceled our three-year-old's
21 birthday party, our 4th of July
22 cookout, because we figured the smell
23 would impact our friends and extended

1 family. We became sick, as did our
2 neighbors, sore throats, coughing and
3 congestion. The flies have been
4 horrendous since the application. As
5 I sat on my porch Memorial Day two and
6 a half months after the first
7 application, the smell of heavy fat
8 and decomposition still remains in the
9 air. The odor has been awful;
10 however, the odor is the least of my
11 concerns.

12 I was told by one of the customers
13 of this company that it had applied
14 this product to his leased -- leased
15 land, and his company did not take
16 soil samples, did not have a plan for
17 application. They did not contact the
18 landowner nor did the leasee. They
19 did not pull deeds to see any
20 applicable land restrictions. They
21 also applied this sludge to land that
22 is within a quarter mile of Douglas
23 Water Board well location where they

1 pump water from the Big Spring Aquifer
2 that is used for our land and many
3 other citizens' drinking water. The
4 land that has had this applied looks
5 burnt. I provided a picture in the
6 paper that I will submit to you has a
7 thick crust of fat, feathers, and
8 decomposed material on top of the soil
9 two and a half months later. In the
10 woodline behind the scene, there's a
11 stream that flows right into Big
12 Spring Creek that you can see in the
13 pictures.

14 I come from a long line of
15 fathers -- or farmers, I'm sorry. My
16 grandfathers were tobacco, dairy, and
17 corn farmers. My father retired from
18 TVA as a land use specialist. My love
19 of land and our natural resources took
20 me to Auburn University where I earned
21 a BS degree in animal science. I also
22 have one year's coursework towards a
23 master's degree in ecotoxicology;

1 however, family obligation removed me
2 from the completion. I also completed
3 an internship with the Center for
4 Aquatic Transfer Technology out of
5 Blacksburg, Virginia, with Virginia
6 Tech, and our primary focus was on
7 aquatics-related management
8 challenges. As far as my career, I
9 spent 16 years primarily in Food
10 Safety, Quality, and Regulatory
11 (including HACCP). Roughly six years
12 were spent in poultry processing.

13 I tell you my background to inform
14 those in attendance reading this
15 letter where my interests and passions
16 evolved from. Not to brag, but just
17 to let you know where I come from.

18 During the last two and a half
19 months, I researched this topic
20 immensely. The more I researched and
21 asked questions, the more concerned I
22 became. Finally, I was informed there
23 were no regulations around the land

1 application of poultry wastewater
2 sludge in Alabama. I was even more
3 shocked to discover how incredibly lax
4 the 40 CFR Part 503 requirements are
5 and that there were no additional
6 requirements around biosolid
7 application in our great state of
8 Alabama. Even EPA confirmed this
9 statement in their own self audit
10 conducted by EPA Office of Inspector
11 General published November 15th of
12 2018. I was extremely relieved to
13 hear last week that this meeting was
14 taking place, and I would like to take
15 this moment to thank ADEM for
16 proposing these requirements, and I
17 hope that these come to fruition as
18 soon as possible to stop these
19 companies from running trucks
20 constantly.

21 It appears Alabama has allowed
22 biosolid application and beneficial
23 use byproducts to land for many years.

1 I am curious now why the rules are
2 being proposed. I assume it is
3 because of the large body of science
4 that is confirming the alarming health
5 and environmental consequences,
6 including Class A biosolids to the
7 spread of sludge on our land. If that
8 is true, there is no need for me to
9 cite specific scientific studies after
10 studies to justify reasons these type
11 of sludges should not be applied to
12 our land, as the negatives greatly
13 outweigh the fertilizing capabilities.
14 I feel spreading poultry processing
15 waste on Alabama lands has major
16 environmental/biosecurity/health and
17 economic impacts as well. I give my
18 reasons below.

19 So the first concern I have is the
20 chemical composition of the sludge
21 that will vary depending on the
22 amounts of the following: Marinades,
23 breadings, fry greases, immense

1 amounts of sanitizing agents used
2 every day to clean the facility, fecal
3 loads from birds ingesta such as
4 E. coli, Salmonella species and sub
5 species, and serotypes, chlorine used
6 in chiller water, pre-chill rinse
7 agents, foot bath sanitizing agents,
8 knife cleaning agents, bacterial
9 septicemia, airsacculitis (bacterial
10 and fungal) and et cetera.

11 Biosecurity is another reason.
12 It's counterintuitive for poultry
13 processing facilities to allow
14 companies of these types to allow the
15 spread over land for biosecurity
16 purposes. One might argue that
17 poultry trucks and poultry feed trucks
18 and poultry equipment such as tractors
19 use tire washes to counter this risk.
20 However, tire rinses are only used
21 during times of suspected or current
22 outbreaks. Sludge trucks have
23 concentrated sludge from multiple

1 facilities. Cross contamination would
2 be high risk from these trucks, and I
3 go on to say why in Point 3. Let's
4 say the leaser that applied this to
5 his land was a poultry farmer. He had
6 applied this to his land, and he plans
7 to cut for hay. He will drive his
8 tractor and hay equipment over the
9 land that contains waste from multiple
10 farms. The average poultry facility
11 will slaughter three to six different
12 farms of chickens in one day,
13 depending on what size and number of
14 houses the farmer has. This is a
15 concentrated amount of fecal material
16 from multiple growers, multiple
17 plants, over acres upon acres of
18 Alabama lands. This could be an
19 economical disaster for poultry
20 industry in the event of an outbreak
21 such as Avian Influenza/Newcastle
22 Disease, which the last report that I
23 saw this year recently in a report

1 yesterday was 1.2 million birds
2 euthanized to stop the spread that's
3 in California. For example -- that
4 was just an example. It is
5 unfathomable to think that given
6 today's concentrated poultry industry
7 that we would even allow this to
8 happen. Biosecurity is on top of each
9 poultry facility's mind, so it's
10 concerning any reputable poultry
11 industry would allow this to occur.
12 Biosecurity of our wildfowl such as
13 wild turkeys, ducks, geese, that are
14 often seen grazing in fields in my
15 area, are over -- are exposed to the
16 risks of this sludge that can include
17 E. coli, Salmonella, and potential
18 contagious diseases that I have
19 already given. And as far as Avian
20 Influenzas, March 2017, HPAI and LPAI,
21 H7N9 viruses were reported in
22 Kentucky, Tennessee, Alabama, and
23 Georgia. Newcastle Disease was also

1 one that I had mentioned before.
2 Poultry farmers have not been allowed
3 to duck hunt because of potential
4 cross contamination from wildfowl to
5 their poultry houses. Given this
6 thought process, I would think the
7 spread over land in the poultry
8 capital is extremely concerning from
9 an economical point. I also feel
10 concerned about the spread -- the
11 spread of this poultry processing
12 waste is a concern for our cropland.
13 There's been several studies that show
14 crops such as soybeans are extremely
15 susceptible to high levels of
16 phosphorus and heavy metals. They are
17 concentrated in Class A and
18 potentially into this poultry waste,
19 which can in turn go into human food
20 consumption and the animal feed,
21 mainly for poultry diets. Again, this
22 is counterintuitive for Alabama's
23 economy, as this impacts the price of

1 soybeans to our farmers. Again,
2 counterintuitive. I observed cattle
3 grazing in the pastures as this
4 company applied the sludge. I feel
5 strongly, along with many other
6 research scientists that no cattle,
7 beef or dairy, shall be allowed to
8 graze over land that has had sludge
9 applied to the land. To support this,
10 it's been well researched of the
11 bioaccumulation of contaminants in the
12 meat and milk of our cattle. When we
13 consume these animals or their milk,
14 we are then subjected to the
15 bioaccumulation of these said
16 contaminants. Cattle should not be
17 allowed to graze over land that's had
18 beneficial use sludge applied, or
19 Class A or B biosolids.

20 Organic farming is on the rise.
21 Americans and American companies are
22 taking back their ability to grow
23 their own safe food and to know how

1 their food is produced. In order for
2 Alabama to take advantage of this
3 growing market, I feel that we need to
4 be completely transparent with future
5 landowners and farmers, that dates and
6 quantities of beneficial use and
7 applications should follow deeds. I
8 feel in order for a farmer to grow
9 organic -- oh, I'm sorry -- in order
10 for farmers -- that dates and
11 quantities of beneficial use
12 applications shall follow deeds. In
13 order for a farm to grow organic,
14 biosolids cannot be used in the
15 production of organic products. I
16 feel that beneficial use byproducts
17 such as poultry waste should also fall
18 into this category.

19 The highest degree that the company
20 that spread this poultry wastewater
21 boasts for their operations manager
22 that manages -- that, quote, manages
23 land applying 80,000 gallons of food

1 grade biosolids from several
2 processing plants is a welding degree
3 from Gadsden State in northeast
4 Alabama, according to their website.
5 I feel at minimum, an individual that
6 oversees land applications of
7 biosolids or beneficial use shall be
8 educated with a minimum of a BS degree
9 from an accredited university in
10 environmental science or natural
11 resources. The education there is
12 simply nonexistent.

13 We have been doing it for years;
14 everything is fine.

15 That's the mentality. With that
16 being said, I would like to submit the
17 following edits to be applied or
18 considered to ADEM, the Solid Waste
19 Program. And I've got a list here of
20 different comments that I've got on
21 closing up some potential gaps that I
22 see in the program or the rules. If
23 you want me to go through those, I

1 can. Or I can just submit those.

2 HEARING OFFICER: Why don't you
3 just go ahead and submit those in
4 writing for us?

5 MS. LAY: Okay. I will submit
6 those. And my one big closer that
7 I -- or not big closer, but my one
8 thing that I wanted to talk about
9 though is the first big question. It
10 says, The byproduct material proposed
11 for beneficial use may not be
12 putrescible -- I can't even say that
13 word -- but putrid, in other words, I
14 guess. And so this can be subjective,
15 in my opinion. For example, in the
16 article "Foul Leftovers" by Cody
17 Owens, an article written to describe
18 the activities of Recyc Systems
19 Southeast, LLC/C&E Supply in the Mount
20 Hebron community, the previous owner
21 of the holding pond site (C&E Supply)
22 for Recyc Systems Southeast stated
23 that the Mitchells were idiots -- the

1 nice lady that you just saw speak --
2 that she was an idiot, and they needed
3 to get over it, because the smell was
4 not that bad.

5 Keith Paul, an owner of Recyc
6 Systems Southeast, LLC, was quoted in
7 a phone conversation for the same
8 article saying, We've essentially
9 eliminated any odor about six months
10 ago, and we installed a \$12,000 motor-
11 controlled system that has
12 essentially eliminated any odor.

13 The author went on to point out
14 that there was not -- there was --
15 that not only was there still an odor
16 from the pond, it was so strong it
17 made him vomit. To quote the article
18 further, Paul had an explanation for
19 that, attributing the smell to a
20 nearby hog and cattle farm.

21 And then my rules follow.

22 I would like to close in saying the
23 following. Matthew 12:28 states that

1 one of the teachers of the law asked
2 Jesus the most important commandment.
3 Jesus responded, Love the Lord God
4 with all your heart, mind, and
5 strength.

6 The second most important was, Love
7 your neighbor as yourself. There's no
8 other greater commandment.

9 This is so fitting today.
10 Lawmakers, our neighbors, we must do
11 the right thing. This must stop, and
12 this is the first step in correcting
13 all the wrong that's been done. This
14 must be passed with no gray area and
15 no loopholes. No dumping on Alabama
16 no more.

17 Thank you.

18 HEARING OFFICER: Thank you,
19 Ms. Lay.

20 The last registered speaker I have
21 is John Mitchell.

22 MR. MITCHELL: Thank you. I have
23 no comments now.

1 HEARING OFFICER: Thank you, sir.

2 All right. At this --

3 MR. GANDY: I had registered. I
4 had filled out a registration card to
5 speak.

6 HEARING OFFICER: Oh, you did? I'm
7 sorry. What was your name?

8 MR. GANDY: Gandy, Dale Gandy.

9 HEARING OFFICER: Let's see. Oh,
10 okay. Thank you, sir. All right.
11 Mr. Gandy, come forward, please.

12 MR. GANDY: Okay. Dale Gandy,
13 D-a-l-e, G-a-n-d-y, Director of the
14 Public Works for the City of
15 Prattville. I would like to echo what
16 Mr. Chumley and Mr. Thompson stated
17 earlier about municipal wastewater and
18 the difference between Class A and
19 Class B biosolids. We just did a new
20 upgrade at one of our facilities, and
21 we went to Class A biosolids. And we
22 did that, and we spent the money to do
23 that, because according to EPA, this

1 stuff can be used about anywhere in
2 any situation as a fertilizer
3 conditioner, soil stabilizer. And we
4 do feel it's environmentally friendly
5 for the -- safe, and we want people to
6 be able to use it instead of having to
7 dispose of it like we used to with our
8 Class B biosolids. So obviously,
9 there's some reasons -- there may need
10 to be some new regulations, but we
11 would ask that there be a distinction
12 between Class A and Class B in any new
13 regulations. And if any officials
14 want to come to our plant in
15 Prattville and see what we're
16 producing, give me a call and you can
17 come down any time, check it out and
18 look at it. And sometimes it makes a
19 little more sense if you can visually
20 see something and what we're doing
21 with it, so I would invite you to do
22 that for sure.

23 HEARING OFFICER: Thank you,

1 Mr. Gandy.

2 Do I have anyone else present at
3 this time who has not filled out a
4 registration card but who would like
5 to speak?

6 (No response was heard.)

7 HEARING OFFICER: Let the record
8 reflect that there is no response.

9 The final hearing record will
10 include a transcript of this hearing,
11 all written submissions and exhibits,
12 and a response by the Department to
13 each relevant comment received by the
14 hearing officer before 5:00 p.m.
15 today, Thursday, September 5th, 2019,
16 at the ADEM offices in Montgomery.
17 After consideration of all oral and
18 written comments, ADEM will make a
19 determination regarding possible
20 revisions to the proposed rules and
21 prepare a response to all relevant
22 comments received. When a final
23 decision has been made, ADEM will

1 forward the final draft of the
2 proposed rules as may be revised to
3 the hearing record, and if conflicting
4 views are submitted, a concise
5 statement of the principal reasons for
6 and against the adoption of the
7 proposed rules and the reasons for
8 overruling any considerations urged
9 against their adoption to the
10 Environmental Management Commission
11 for its consideration and possible
12 adoption. Once complete, this record
13 will be available for public
14 inspection in the office of the
15 Department of Environmental Management
16 in Montgomery.

17 On behalf of the Department, thank
18 you for your attendance and
19 participation today. It is now 11:03
20 in the morning, and this hearing is
21 adjourned. Again, thank you.

22 (Whereupon, the hearing

23 concluded at 11:03 a.m.)

1 REPORTER'S CERTIFICATE

2 STATE OF ALABAMA

3 MONTGOMERY COUNTY

4 I, Patrick Miller, Alabama Certified
5 Court Reporter No. 631, and Commissioner for the
6 State of Alabama at Large, hereby certify that
7 on Thursday, September 5th, 2019, I reported the
8 TESTIMONY AND PROCEEDINGS in the matter of the
9 foregoing cause, and that the pages herein
10 contain a true and accurate transcription of
11 said proceedings.

12 I further certify that I am neither kin
13 nor of counsel to the parties to said cause, nor
14 in any manner interested in the results thereof.

15 This 15th day of September, 2019.

16
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23

PATRICK MILLER, ACCR-631
Commissioner for the
State of Alabama at Large
MY LICENSE EXPIRES: 9/30/19
MY COMMISSION EXPIRES: 2/08/23

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