

PUBLIC NOTICE
NOTICE OF INTENT TO ISSUE VARIANCE

This notice is issued to inform the public that the Georgia Environmental Protection Division (“EPD”) intends to issue a variance, pursuant to its authority under the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 *et seq.* (“CSWMA”) and Ga. Comp. R. and Regs. r. 391-3-4-.10(11)(b) to Georgia Power Company for Plant Hammond. The facility is located in Rome, Floyd County. Based on the information submitted, EPD believes the proposed variance complies with the CSWMA and related rules. The variance will extend the time frame during which the facility may continue to use surface impoundments “Ash Pond 1 and Ash Pond 2” to treat non-CCR waste streams until October 31, 2020.

The application for this variance is included at the end of this public notice. It also is available for review during regular business hours at the following EPD office:

Georgia Environmental Protection Division
Land Protection Branch
Solid Waste Management Program
4244 International Parkway
Suite 104
Atlanta, Georgia 30354

The contact person for questions regarding this variance or the public participation process is:

William Cook, Program Manager, 404-362-4500

Before EPD makes its final decision whether to grant or deny the variance request, comments on the proposed variance are welcome. Comments must be received by April 10, 2019. EPD invites comments during the public comment period to be made by email at EPDComments@dnr.state.ga.us. If you choose to email your comments, please be sure to include the words “Plant Hammond Proposed Variance” somewhere in the subject line to help ensure that your comments will be forwarded to the correct staff.

Written comments submitted by regular mail should be sent to the following address:

Attn: William Cook, Program Manager
Land Protection Branch
Solid Waste Management Program
4244 International Parkway
Suite 104
Atlanta, Georgia 30354

All comments received on or before April 10, 2019 will be considered when the final decision to issue or deny the variance is made.

March 5, 2019

Richard E. Dunn, Director
Georgia Department of Natural Resources
Environmental Protection Division
2 Martin Luther King, Jr. Drive
Suite 1456, East Tower
Atlanta, GA 30334

Re: Georgia Power Plant Hammond -- 5963 Alabama Hwy, Rome, GA 30165
Request for Variance Under Ga. Comp. R. & Regs. 391-3-4-.10(11)(b)

Dear Mr. Dunn:

In accordance with the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 *et seq.* ("Solid Waste Management Act"), Georgia Power Company ("Georgia Power") requests a variance for the Plant Hammond Coal Combustion Residuals ("CCR") surface impoundments ("AP-1" and "AP-2") under Ga. Comp. R. & Regs. 391-3-4-.10(11)(b) of the Solid Waste Management Act Regulations to allow for continued use of AP-1 and AP-2 for the treatment of non-CCR wastewater streams until October 31, 2020. This variance is being requested under the Georgia Environmental Protection Division's ("EPD") CCR rules at Ga. Comp. R. & Regs. 391-3-4-.10 ("State CCR Rule"). As described below, the variance is warranted under the State CCR Rule and permitted by the U.S. Environmental Protection Agency ("EPA") in its recent rule, *Disposal of Coal Combustion Residuals from Electric Utilities: Amendments to the National Minimum Criteria*, 40 C.F.R. § 257.101. 83 Fed. Reg. 36,435 (July 30, 2018) ("Phase One, Part One CCR Rule").

I. Background on Plant Hammond

First operating in 1954, Plant Hammond is a four-unit, coal-fired electric generating facility located on 1,100 acres in Floyd County, near Rome, Georgia. On January 31, 2019, Georgia Power filed its 2019 Integrated Resource Plan ("IRP") with the Georgia Public Service Commission ("PSC"). In the IRP, because Georgia Power requested decertification of the four coal-fired units at Plant Hammond, Georgia Power does not anticipate generating electricity in the future at the coal fired units at Plant Hammond. The future generating status of Plant Hammond is expected to be determined by the PSC in July 2019.

II. Recent Federal CCR Rule Amendments

On April 15, 2015, EPA promulgated its national CCR Rule, *Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities*, 80 Fed. Reg. 21,302 (April 17, 2015) ("Federal CCR Rule"). On July 30, 2018, the EPA issued the Phase One, Part One Rule, which became effective on August 29, 2018 and extended certain

deadlines under the Federal CCR Rule. In the Phase One, Part One Rule, EPA requires an owner or operator of an existing surface impoundment that does not meet certain criteria to cease placing CCR and non-CCR wastestreams into the CCR unit no later than October 31, 2020. Prior to the Phase One, Part One rule, the Federal CCR Rule required an owner or operator that does not meet certain criteria to cease sending CCR and non-CCR wastestreams to an existing CCR surface impoundment within six months of certain deadlines in the CCR Rule, which for Plant Hammond is April 17, 2019.

III. Variance Request

In accordance with applicable rules, Georgia Power is requesting that the EPD Director exercise authority under Ga. Comp. R. & Regs, r 391-3-4-.10(11)(b) to grant a variance to allow Georgia Power to continue to place non-CCR wastestreams, including industrial stormwater, into AP-1 and AP-2 at Plant Hammond until mid-2019 at the earliest and no later than October 31, 2020 and close AP-1 and AP-2 in accordance with 40 C.F.R. § 257.102. As explained below, the non-CCR wastewater streams covered by this variance request includes industrial stormwater managed in AP-1 and AP-2. Georgia Power recognizes that “non-CCR wastestreams” is not a clearly defined term under the State or Federal CCR Rule and the definition may not extend to industrial stormwater. However, out of an abundance of caution, Georgia Power has included industrial stormwater in the scope of this variance request. The variance sought by Georgia Power is consistent with the Federal CCR Rule and is not less stringent than the Federal CCR Rule.

IV. Explanations for Variance Request

Currently, the State CCR Rule requires an owner or operator to cease sending CCR and non-CCR wastewater streams to an existing surface impoundment by certain dates if certain criteria are not met. Georgia Power is scheduled to cease sending CCR wastewater streams, including ash transport water for fly ash, bottom ash, and FGD wastewater, as well as process flows (non-CCR wastewater streams such as coal pile runoff, low volume wastewater from sumps in the plant, etc.) to AP-1 and AP-2 at Plant Hammond by April 17, 2019. Georgia Power has numerous, on-going projects at Plant Hammond to reroute the non-CCR wastewater streams off of AP-1 and AP-2 by this date.

During the 2016 IRP proceeding, the PSC ordered the Company to minimize capital expenditures on Hammond Units 1-4 through July 31, 2019, limited the Company to annual limits on all capital expenditures, and required the Company to make a filing with the Commission prior to exceeding the annual limits (“2016 PSC Order”).¹ In accordance with the 2016 PSC Order, Georgia Power has managed Plant Hammond resources appropriately while maintaining compliance, and, while certain of the necessary dry-ash handling improvements for fly ash have been implemented at Plant Hammond, dry bottom ash handling and other

¹ 2016 IRP Order Adopting Stipulations, Docket No. 40161 and 40162, Para. 15.

wastewater treatment systems to replace the functional capacity of the ash ponds have not been completed. Given these regulatory constraints, the ash ponds at Plant Hammond have continued to support plant operations to manage CCR and non-CCR wastewater streams, including industrial stormwater.

In the event the PSC approves the 2019 IRP request by Georgia Power to retire Plant Hammond, the Company will discontinue the use of AP-1 and AP-2 associated with the generation of electricity by the four coal-fired units at Plant Hammond. However, as part of the closure process, Georgia Power will continue to wash down equipment associated with plant operations, remove the coal pile, clean and repurpose the coal pile runoff pond, reroute other low volume wastewater flows, and install a water treatment system that will support any necessary treatment of these flows and pond closure dewatering. Additionally, Georgia Power will implement plans to route industrial stormwater off AP-1 and AP-2, including construction of a new stormwater retention area in the former coal pile.

As the ash pond closure process for AP-1 and AP-2 moves forward, Georgia Power will begin the process of dewatering AP-1 and AP-2 at Plant Hammond. As it has done for other ash ponds being closed at other plants, Georgia Power will develop and finalize a “dewatering plan” for Plant Hammond ash ponds that will include supplemental monitoring and implementation of additional treatment measures. Before it begins the dewatering process, Georgia Power will submit the Plant Hammond ash pond dewatering plan to EPD for review and approval. When submitted to EPD, the dewatering plan for Plant Hammond will identify the enhanced water treatment system, controls and monitoring that will be used during the process to ensure continued compliance with the NPDES permit, and protection of water quality standards. Accordingly, any remaining non-CCR wastewater streams routed to AP-1 and AP-2 which are discussed in this variance request will be addressed by the dewatering plan for Plant Hammond.

Although work is underway to complete rerouting non-CCR wastewater streams off the ash ponds, Georgia Power will require additional time to complete the numerous water and wastewater projects at Plant Hammond given the complexity of eliminating certain CCR wastewater streams, rerouting non-CCR wastewater streams off of AP-1 and AP-2, and the request for decertification of the four coal-fired units at Plant Hammond. In fact, the challenges associated with removing the non-CCR discharges to AP-1 and AP-2 are increased due to the fact that Plant Hammond was used to generate electricity as recently as March 4, 2019. Because Plant Hammond is uniquely situated, most of the industrial stormwater is managed by the ash ponds, making it necessary to construct a new stormwater retention pond in the area of the current coal pile. While this location minimizes impact to the rail lines and existing stormwater transport lines, construction cannot be completed while the plant generates electricity. Complicating matters further, the operational footprint between AP-1 and AP-2 is significant, and during rain events at Plant Hammond, large volumes of stormwater from the plant site drains to AP-1 and AP-2 where it is managed with the operational flows from the plant in compliance with the Plant Hammond’s National Pollutant Discharge Elimination System (“NPDES”) permit. At this point, given the complexities of the engineering and operational challenges associated with rerouting of stormwater flows at Plant Hammond, it is not possible to



physically complete the projects at Plant Hammond necessary to cease sending all industrial stormwater to AP-1 and AP-2 by April 17, 2019.

V. Conclusion

In September 2015, Georgia Power first announced its intention to permanently close all of its ash ponds, including AP-1 and AP-2 at Plant Hammond. Under the closure plan, Georgia Power will close AP-1 and AP-2 by removal and transport the ash to a permitted landfill. This requested variance covering non-CCR wastewater streams will not disrupt the plans or timeline for final closure of the ash ponds at Plant Hammond. As explained above, Plant Hammond will cease sending CCR wastewater streams and intends to cease sending many of the non-CCR wastewater streams (other low volume wastewater) to AP-1 and AP-2 before the applicable closure dates. Throughout this process, Plant Hammond will remain in compliance with its NPDES permit for AP-1 and AP-2 and will continue to comply with all applicable Federal and State CCR Rules.

For these reasons, Georgia Power is requesting a variance from the EPD Director pursuant to Ga. Comp. R. & Regs. 391-3-4-.10(11)(b) in the State CCR Rule. This variance is for Plant Hammond AP-1 and AP-2 and for non-CCR wastewater streams, which includes industrial stormwater, coal pile runoff and other non-CCR wastewater streams. The variance would require Georgia Power to cease sending non-CCR wastewater streams at Plant Hammond to AP-1 and AP-2 no later than October 31, 2020. The requested variance is not inconsistent with or less stringent than the requirements found in the Federal CCR Rule.

We appreciate EPD's consideration of this matter, and if I can answer any questions or provide additional information, please call me at 404-506-7757.

Sincerely,

A handwritten signature in blue ink that reads "Aaron D. Mitchell".

Aaron D. Mitchell

General Manager Environmental Affairs

cc: Lauren Curry, Georgia Environmental Protection Division
Chuck Mueller, Georgia Environmental Protection Division

Attachment

Estimated Schedule: Variance Request for non-CCR Wastewater Streams at Plant Hammond

