



# GEORGIA

DEPARTMENT OF NATURAL RESOURCES

## ENVIRONMENTAL PROTECTION DIVISION

**Richard E. Dunn, Director**

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**Watershed Protection Branch**

2 Martin Luther King, Jr. Drive  
Suite 1152, East Tower  
Atlanta, Georgia 30334  
404-463-1511

OCT 11 2017

Persons who commented on Draft NPDES Permit No. GA0026051

RE: EPD Response to Comments  
Georgia Power Company – Plant Branch  
NPDES Permit No. GA0026051

Dear Commenter:

Thank you for your comments regarding the permit issuance for the Georgia Power Company – Plant Branch NPDES permit. Attached is a summary of comments from the public and our responses to the issue raised. In addition, we have attached the Permit Addendum and Permit Fact Sheet Addendum documenting the changes made to the attached permit. We appreciate your interest in this matter.

After consideration of your comments, EPD has determined that the permit is protective of water quality standards and we have issued the permit.

If you have any questions, please contact Ian McDowell of my staff at 404-232-1567.

Sincerely,

Jeffrey Larson, Manager  
Wastewater Regulatory Program  
Watershed Protection Branch

JL/IM  
Attachment

**Permit Addendum**

**Name of Facility** Georgia Power Company Plant Branch

**NPDES Permit No.** GA0026051

Were there any revisions between the draft proposed NPDES permit placed on public notice and the final proposed NPDES permit? If yes, specify:  Yes  No

Part I.A.1 Added a footnote to the Sample Type “Estimation” to elaborate how the permittee would estimate the flow.

Increased the Measurement Frequency for total suspended solids, oil and grease and pH from twice per month to once per week.

Added the following language to footnote no. 1: “at a minimum, at the measurement frequency stated above.”

Revised footnote references to account for changes in the numbering of Special Conditions in the permit.

Part I.A.2 Added a footnote to elaborate on what conditions may constitute an “emergency” overflow from the applicable outfalls.

Added a footnote to the Sample Type “Estimation” to elaborate how the permittee would estimate the flow.

Revised the Measurement Frequency from “twice per month” to “once per day when discharging” for all pollutants of concern listed except for flow which was revised to daily when discharging.

Added monitoring for total dissolved solids; copper, total; selenium, total; arsenic, total; mercury, total; chromium, total; lead, total; cadmium, total; zinc, total; and nickel, total.

Added the following language to footnote no. 1 “at a minimum, at the measurement frequency stated above.”

Added a footnote for reporting requirements during “adverse weather” conditions.

**Permit Addendum**

- Part I.C.11 Added a definition for “Dewatering activity or dewatering activities.”
- Part I.C.12 Added a definition for “Adverse weather.”
- Part III.C.2 Modified the Coal Ash Pond Dewatering condition to remove submittal requirements for a Plan and added the condition, “The permittee shall implement the Coal Ash Pond Dewatering Plan approved by the EPD.
- Part III.E Added clarification that imminent impoundment failure conditions shall be reported within 24 hours of discovery.

The permittee has been made aware of these changes

**Fact Sheet Addendum**

**Name of Facility** Georgia Power Company – Plant Branch

**NPDES Permit No.** GA0026051

Were there any revisions between the draft proposed NPDES permit fact sheet placed on public notice and the final proposed NPDES permit fact sheet? If yes, specify:  Yes  No

Section 3.2 Modified footnote to indicate that the dilution factor would be revised from 1:156 to 1:2 (Effluent : Receiving Water).

Section 4.4 Modified the dilution factor from 1:156 to 1:2 (Effluent : Receiving Water) for the preliminary determination of the potential determination of the potential impacts of toxics on the receiving waterbody.

Section 4.5 See Section 4.6

Section 4.6 Included additional monitoring for outfall nos. 04, 05, and 06 (emergency ash pond overflows) for total dissolved solids; arsenic, total; cadmium, total; chromium, total; copper, total; lead, total; mercury, total; nickel, total; zinc, total; and selenium. Additional monitoring of outfall no. 03 (ash pond B discharge) is required in accordance with the Coal Ash Dewatering Plan for Plant Branch, which has been approved.

Section 5.1.c Modified the Coal Ash Pond Dewatering statement to remove submittal requirements for a Plan and added the statement, “The permittee shall implement the Coal Ash Pond Dewatering Plan approved by the EPD.

Appendix D Modified the Reasonable Potential Analysis (RPA)

The permittee has been made aware of these changes.

**Public Comments and EPD Responses on Draft NPDES Permit  
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Due to the volume of comments received and the number of topics covered in a comment, EPD has summarized and grouped comments together based on the topic.

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**Acronyms**

BAT – Best Available Technology Economically Achievable  
BCT – Best Conventional Pollutant Control Technology  
BPT – Best Practicable Control Technology Currently Available  
CFR – Code of Federal Regulations  
CCR – Coal Combustion Residual  
ELG – Effluent Limit Guideline for Steam Electric Power Generating Facilities, 40 CFR Part 423  
EPD – Environmental Protection Division  
EPA – Environmental Protection Agency  
Permittee – Georgia Power Company – Plant Branch  
RCRA –Resource Conservation and Recovery Act  
RPA – Reasonable Potential Analysis  
Rules - Georgia Rules and Regulations for the Water Quality Control Act  
TBEL- Technology Based Effluent Limit  
WQBEL- Water Quality Based Effluent Limit  
WQS – State of GA Water Quality Standards

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**Permitting Timeline**

On March 6, 2017, EPD received an NPDES permit renewal application for Plant Branch. A pre-draft permit was written and was transmitted on March 21, 2017. On April 11, 2017 Georgia Power submitted a notification of a change in operations and a Coal Ash Dewatering Plan for Plant Branch. On May 02, 2017, the draft permit for Plant Branch was public noticed by EPD and a public hearing was scheduled for June 27, 2017. Part III.C.2 of the draft permit outlined the minimum components that were required in a Coal Ash Dewatering Plan and was available for public comment.

While the draft permit was on notice, EPD reviewed the Coal Ash Dewatering Plan submittal and in accordance with Part II.B.15 of the current permit requested additional information to be submitted. After multiple iterations, on August 11, 2017, Georgia Power submitted a revised Coal Ash Dewatering Plan which was approved on September 15, 2017. The approved Coal Ash Dewatering Plan contains all of the minimum components outlined in Part III.C.2 of the draft permit placed on public notice and additionally includes more stringent requirements for monitoring, draw down rates, notification, etc.. With the approval of a Coal Ash Dewatering Plan for Plant Branch, Part III.C.2 of the final permit has been modified to state, “The permittee shall implement the Coal Ash Pond Dewatering Plan approved by the EPD.”

**Public Comments and EPD Responses on Draft NPDES Permit  
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<b>COMMENTS RECEIVED</b>	<b>EPD RESPONSE</b>
<p align="center"><u>General Comments</u></p> <ol style="list-style-type: none"> <li>1. I would hope that the Environmental Protection Division (EPD) would live up to its name and not allow Georgia Power to pump vast amounts of “wastewater” into the lake without adequate safeguards.</li> <li>2. Lake Sinclair is the source of our drinking water, as well as fishing and boating lake. We don’t need any additional toxins in the lake.</li> <li>3. Georgia Power should be prohibited from discharging pond dewatering pollution from the old coal waste ponds until a validly-issued, corrected discharge permit is issued by EPD.</li> <li>4. Please do not allow this hazardous waste to be dumped into Lake Sinclair and the Oconee River. Doing such damage could not be undone and would degrade vital natural resources that we rely on now, and that the next generations (such as your children or grandchildren, if you have them, or those of your peers).</li> <li>5. EPD should mandate that no, absolutely no heavy metals or other known carcinogenics be released into Lake Sinclair.</li> <li>6. Coal ash is full of mercury and other heavy metals. Mercury and other heavy metals very harmful to babies and children. It causes brain damage in children, and reduces their IQ. It is really awful to think about putting this in a lake and river where</li> </ol>	<p>EPD is responsible for issuing protective, legal and enforceable permits in accordance with the applicable Rules.</p> <p>A reasonable potential analysis was conducted on the pollutant data submitted in the EPA Form 1 and Form 2C Applications and along with other supporting documents. The results of the RPA for the pollutants of concern indicate there is no reasonable potential to cause or contribute to an instream WQS violation; hence water quality based effluent limits for the pollutants of concern are not needed in the permit for the applicable outfalls.</p> <p>On April 18, 2017 the permittee submitted an initial Coal Ash Dewatering Plan for Plant Branch, to dewater the 4 ash ponds at Plant Branch, which have the capacity to hold a combined total of 294 million gallons of wastewater. After several revisions, a final Plan was submitted on August 11, 2017 and the plan was approved by EPD. Upon the commencement of dewatering, the permittee will monitor the effluent and the receiving waterbody for pollutants of concern and provide the results to EPD for evaluation. EPD will evaluate the data to determine if a reasonable potential exists and take appropriate actions to ensure the discharge does not cause or contribute to WQ violations.</p>



**Public Comments and EPD Responses on Draft NPDES Permit  
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<b>COMMENTS RECEIVED</b>	<b>EPD RESPONSE</b>
<p>children might swim, or eat contaminated fish they or their parents caught.</p> <p>7. Do not approve the release of coal ash waste into Georgia's water ways. My drinking water comes from the Oconee River. Do not turn Athens, Georgia into the next Flint, Michigan and have your name associated with it.</p> <p>8. Georgians depend on tourist dollars. If [the proposed permit was] allowed to happen, our economy would be negatively impacted along with our health.</p> <p>9. Evidently the Legislature has not yet been able to deal with standards for dumping waste into our waterways in Georgia. I am horrified at the prospect of large amounts of toxic stuff from coal waste ponds being dumped into Lake Sinclair or any waterway without adequate standards/criteria/protection of the irreplaceable resource.</p> <p>10. I understand that the House Natural Resources committee considered legislation to regulate the disposal of toxic coal waste in Georgia, but did not pass the legislation. I urge the House and Senate Natural Resource committee members and the Georgia Environmental Protection Division (EPD) to protect Georgia's citizens and our waters from toxic coal ash.</p> <p>11. Heavy metals must be tested BEFORE the water is dumped into Lake Sinclair not after. There should be no exception.</p> <p>12. What is the concentration of toxic heavy metals in the coal ash ponds? How many gallons of wastewater are there? Does</p>	

**Public Comments and EPPD Responses on Draft NPDES Permit  
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<b>COMMENTS RECEIVED</b>	<b>EPPD RESPONSE</b>
<p>the concentration of regulated metals in the wastewater exceed the allowable in surface water under EPA/EPPD regulations? If you don't know the answer to these questions, how can you allow the wastewater to be discharged into Lake Sinclair? Do you think dilution is the solution to pollution?</p> <p>13. We applaud Georgia Power for engaging in the additional enhanced treatment measures, we want to ensure that they are meeting the procedural requirements for issuing the permit's effluent limitation.</p>	
<p>In January 2016, when rainfall was high, Georgia Power made the decision to discharge water from the Pond and into the lake. EPPD assured that Georgia Power was doing to right thing because they were testing for TSS, pH, and Oil &amp; Grease. River-keepers did their own independent testing which found that there was a pound of arsenic found over a span 22 days of suspected discharging. This is a Clean Water Act violation and puts Georgia Power in a position of distrust.</p>	<p>During the month of January in 2016 the State experienced high rainfall, to ensure impoundment integrity, the permittee discharged wastewater via the permitted emergency outfalls in accordance with the applicable permit. During the discharge the permittee complied with all sampling requirements outlined in their current permit by testing for TSS, pH, and Oil &amp; Grease and met all of the permit requirements.</p> <p>EPPD does appreciate and understand the concerns and the proposed permit requires the permittee to monitor for total dissolved solids; copper, total; selenium, total; arsenic, total; mercury, total; chromium, total; lead, total; cadmium, total; zinc, total; and nickel, total in addition to total suspended solids, pH, and oil &amp; grease when discharging from the emergency outfalls.</p>
<p>It appears that GA Power is already discharging water from these ponds into the lake. Has EPPD already approved this discharging?</p>	<p>The permittee is already authorized to discharge treated wastewater into Lake Sinclair from Outfalls 03, 04, 05, &amp; 06 under their current permit.</p>

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<b>COMMENTS RECEIVED</b>	<b>EPD RESPONSE</b>
<p>Ga Power has stated that they have already excavated one ash pond. Was this process of moving toxic ash near Lake Sinclair approved and reviewed/monitored by EPD? Can you share any reports with us documenting exactly what was found in that pond after dewatering? Where did the sludge go? Are we sure that it is safely stored? Does EPD have a purpose in the monitoring/reviewing of safety of ash disposal?</p>	<p>EPD's Land Protection Branch is responsible for oversight of final coal ash disposal.</p> <p>All documents received, generated and transmitted to and from EPD are available upon request in accordance with the Georgia Open Records Act, O.C.G.A § 50-18-70.</p>
<p>1. Why has GA EPD and GA Power not been notifying the community of the proposed changes in the permit? Why did it take a citizen watchdog group and a Congressman to organize a Town Hall meeting to get the word out that this process was underway?</p> <p>2. I request that GA EPD extend the comment period in light of the new information and continually changing plans of GA Power for remediation and disposal of coal ash waste. The community needs additional information and an opportunity to ask questions about the process. A ninety day extension with at least two community meeting to explain what is the actual clean-up plan and how it will affect the community would be a good start.</p> <p>3. The permitting process must be done openly, transparently, and where there is accountability.</p>	<p>The draft permit was public noticed on May 02, 2017 by EPD; the notice was posted at the county courthouse and published in the Eatonton Messenger on May 25, 2017 and in the Union Recorder on May 26, 2017 by the permittee. A public hearing was held on June 27, 2017 at the Putnam County Administration Building and the public comment period ended at close of business on June 29, 2017.</p> <p>The public notice complied with all State and Federal requirements.</p> <p>All documents received, generated and transmitted to and from EPD are available upon request in accordance with the Georgia Open Records Act, O.C.G.A § 50-18-70.</p>

**Public Comments and EPD Responses on Draft NPDES Permit  
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<b>COMMENTS RECEIVED</b>	<b>EPD RESPONSE</b>
<p>At the Town Hall Meeting, it was stated that the ash ponds would be dewatered and then the toxic sludge would be moved to Pond “E”. It was also stated that Pond “E” is unlined and leaking toxics already. No one at EPD or GA Power disputed that statement. Is it true? Why would GA EPD be willing to approve a permit for Ga Power to park in their parking lot, much less discharge potentially contaminated water into Lake Sinclair if that statement is true?</p>	<p>EPD does not have any information indicating that Ash Pond E is leaking. Closure of ash ponds will be conducted in accordance with all applicable CCR Regulations.</p>
<p>We at the Upper Oconee Watershed Network (UOWN) believe the NPDES permit issued to Georgia Power is comprehensive and protective in its requirements. Some concerns have been raised by the public regarding the frequency of sampling, and publication and accessibility to monitoring results. If there is a large group of concerned citizens that would like to ensure that Georgia Power is being held accountable, we encourage them to organize a citizen monitoring group.</p> <p>That is something that we could help facilitate. If enough people are interested, it would be UOWN’s pleasure to facilitate a meeting and get the adopt-a-stream certified.</p>	<p>Comment Noted.</p>
<p>EPD has ensured that Georgia Power will do a thorough job at developing a dewatering plan and will monitor well to best prevent tragedy and protect the environment.</p>	<p>Comment Noted.</p>

**Public Comments and EPD Responses on Draft NPDES Permit  
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<b>COMMENTS RECEIVED</b>	<b>EPD RESPONSE</b>
<p>1. Georgia Power intends to remain a citizen of this community and interact in that manner.</p> <p>2. Georgia Power will post the approved dewatering plan to their website.</p> <p>3. Georgia Power has employed a third party group to design and operate the dewatering treatment system. The certified waste water operator will be there at all times.</p>	<p>Comment Noted.</p>
<p><b><u>Final Disposal of Coal Ash</u></b></p>	
<p>1. I request Ga Power dispose of waste water in a lined disposal site, away from the ground water. I have serious concerns about clusters of congenial birth defects that have been found around areas with heavy metal ground water contamination.</p> <p>2. I ask that EPD require that Georgia Power use the best possible methods and practices in closing the ash ponds, preventing any harmful chemicals or substances from entering Lake Sinclair, and remove the remaining solids and ash to a lined, permitted site away from drinking water sources and Georgia's rivers and streams.</p> <p>3. The lack of a liner under Pond E presents a serious concern about ground water contamination. This is especially concerning since groundwater beryllium, boron, and strontium</p>	<p>EPD's Land Protection Branch is responsible for oversight of final coal ash disposal. The draft NPDES permit, proposed under the authority of the Clean Water Act, does not contain the regulatory authority to designate or control the final disposal of the coal ash.</p>

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<b>COMMENTS RECEIVED</b>	<b>EPD RESPONSE</b>
<p>levels here are already elevated in that locality, with beryllium levels exceeding permissible state standards</p> <p>4. Georgia Power can and should remove all of the ash from Plant Branch and put it in a fully lined, permitted landfill away from our drinking water sources, lakes, and rivers. None of the ponds at Plant Branch are lined, so anything they plan on doing to "close" Ash Pond E is inferior to full excavation and removal. Georgia Power has shown that it has the resources and expertise to excavate large volumes of coal ash, and other utilities in the southern states plan to excavate large volumes of coal ash from decommissioned coal ash waste pits. Georgians deserve the same.</p> <p>5. In correspondence to pond closure, we request that Georgia Power's Plant Branch adopt a more protective and long term solution, instead on consolidation to pond E, of excavation or beneficial rebukes. There are other options to what Georgia Power is currently doing.</p> <p>6. We ask that Georgia Power be more transparent with its closure plans for the coal ash ponds at Plant Branch, that is a separate process from ordinary operating procedures of the plant and process discharges, by providing additional details concerning the term "advanced engineering methods and technologies" and what that exactly entails.</p> <p>7. Once Georgia Power finalizes its closure plan for Pond E, the "advanced engineering details should be disclosed to the public before proceeding and seek public input.</p>	

**Public Comments and EPD Responses on Draft NPDES Permit  
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<b>COMMENTS RECEIVED</b>	<b>EPD RESPONSE</b>
<p align="center"><b><u>Coal Ash Dewatering Plan (Plan)</u></b></p> <ol style="list-style-type: none"> <li>1. Require more frequent monitoring of dewatering wastewater. EPD should additionally require more frequent monitoring of the effluent, at least weekly, to ensure instream water quality is protected.</li> <li>2. I ask that monitoring be frequent, that reporting not be delayed but immediately follow the monitoring, and that public notification of monitoring results, methods and procedures, problems discovered, and anything else relevant to the process be made available via EPD's website in a timely manner.</li> <li>3. I would like to see an independent testing regimen adopted by Georgia EPD to provide quarterly results to the public.</li> <li>4. EPD should test daily to avoid any problems and there should be a third party checks those who are checking the waters.</li> <li>5. I am concerned that people who are being paid to make sure the numbers being reported to EPD "look good" have incentive to "make sure" the numbers on the reports do look good.</li> <li>6. Georgia Power is currently documenting the reports, and has potential to falsify information. Are we able to have an outside source verify their documentation and validity of their proposed dewatering plan?</li> </ol>	<p>EPD believes that daily sampling is not necessary if the treatment system is operated appropriately and the continuous inline flow, pH, and turbidity effluent targets are maintained. Additionally, another safeguard for water quality protection is provided with an automatic shutoff and return of the treated wastewater back to the coal ash pond or head of the treatment plant if effluent quality targets are not met.</p> <p>However, EPD does appreciate and understand the concerns and also believes that increased sampling will aid in our oversight of the operability of the treatment plant to ensure the discharge does not cause or contribute to instream water quality violations, hence EPD has increased the required effluent sampling frequency from 2/month to 1/week and the required instream sampling from 1/month to 2/month in the approved Plant Branch Coal Ash Dewatering Plan.</p> <p>An additional condition within the Coal Ash Dewatering Plan has been included, requiring immediate (within 24 hours) notification if any wastewater exceeding effluent quality targets is discharged to Lake Sinclair. EPD expects this to be sufficient in catching any possible violations to instream water quality standards without the need to increase the submittal frequency of reports.</p> <p>All documents received, generated and transmitted to and from EPD are available upon request in accordance with the Georgia</p>

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<b>COMMENTS RECEIVED</b>	<b>EPD RESPONSE</b>
<p>7. We agree with other commentators at the hearing that a monthly report on contamination levels in the effluent water is inadequate, leading to the very real possibility of a report that beryllium, arsenic, or other levels exceeded permissible limits as much as “a month ago.”</p> <p>8. EPD must take a much more proactive, aggressive, and enthusiastic role in testing the water. Testing once a week and reporting once a month leaves the mistake to only be fixed after it happens. We urge you to do what Baldwin County and Putnam County have been doing, testing the water more often, which is EPD’s job not ours since EPD is supposed to be our representative.</p> <p>9. Monitoring data must be available in a publicly accessible manner (i.e. the EPD website).</p> <p>10. Georgia Power should be required to monitor and publicly report on the amount of pollution leaving the old coal waste ponds.</p>	<p>Open Records Act, O.C.G.A § 50-18-70. Hence the submitted data is publically available for review.</p> <p>Additionally, the permittee posts monthly sampling results on their website at:  <a href="https://www.georgiapower.com/environment/analytical-data.cshhtml">https://www.georgiapower.com/environment/analytical-data.cshhtml</a></p> <p>The NPDES Program is self-regulating and the permittee is required to submit accurate monitoring data in accordance with State and Federal Rules and Laws.</p> <p>Additionally, operation of the wastewater treatment system and sampling for dewatering activities will be the onus an independent contractor and EPD expects there will be no issues with veracity of the information provided.</p>
<p>1. EPD needs to explain in a plan of exactly what will happen when exceedances occur, specifically how the system will stop and be returned, and how the EPD will be made aware of this.</p> <p>2. The permit does not address exceedances. How will exceedances be handled?</p>	<p>The approved Coal Ash Dewatering Plan for Plant Branch outlines continuous sampling for flow, pH, and turbidity. Both pH and turbidity have established effluent quality standards which if exceeded will trigger the system to automatically divert wastewater back to the ash ponds. Wastewater will continue to be diverted to the ash ponds until corrective actions are made and the effluent targets are achieved. Turbidity effluent quality standards are determined by a TSS correlation which in turn is indicative of the level of heavy metals present in the wastewater.</p>



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<b>COMMENTS RECEIVED</b>	<b>EPD RESPONSE</b>
<p>1. The automatic and continuous monitoring only reflects the turbidity and the TSS and that is the basis criteria for returning effluent to the ash ponds or sending it out into Lake Sinclair. There is requirement for monitoring the toxic metals but that monitoring occurs once a week.</p> <p>2. The continuous monitoring for TSS and turbidity is reported to EPD in monthly reports, requests more continuous reporting to eliminate the time gap in action taken against suspect discharge.</p> <p>3. A concern of mine is the apparent absence of continuous monitoring of the pollutants in the effluent in such a manner as to stop outflow should above approved limits occur.</p> <p>4. There should be testing for heavy metals, not just turbidity, before water is released into Lake Sinclair.</p>	<p>The approved Coal Ash Dewatering Plan for Plant Branch, requires the permittee to provide immediate (within 24 hours) notification if there is an exceedance of the effluent quality targets and the automatic diversion system fails to return the wastewater to the ash ponds. Upon notification, EPD would evaluate the situation and take appropriate actions necessary to ensure public health and the environment is protected.</p> <p>EPD does not believe that continuous monitoring of heavy metals is necessary to ensure protection of human health and the environment. EPD expects the utilization of a Turbidity-TSS correlation to be a successful method for characterizing the amount of heavy metals in the wastewater and for allowing automatic diversion back to the ash pond for wastewater suspected of having reasonable potential to cause or contribute to a WQS violation.</p> <p>EPD believes weekly heavy metals testing will be sufficient in verifying the correlation and ensuring that WQS are being met.</p>

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<b>COMMENTS RECEIVED</b>	<b>EPD RESPONSE</b>
<p>I am not satisfied the bi-weekly random samples would be representative of the effluents constituents and toxicity. I want test results of the actual effluent, not a diluted sample taken a week and a half later 2 miles downstream.</p>	<p>Effluent sampling will be conducted weekly and EPD will evaluate the data to determine if a reasonable potential exists. Bi-weekly instream sampling both upstream and downstream is an additional requirement to monitor the condition of Lake Sinclair.</p>
<p>The revised “Dewatering Plan” sent by GA EPD’s Mr. James A. Capp to me states it was updated in June. The file name (GPC Plant Branch Dewatering Plan 170623.pd) would imply that this is the plan as of June 23. Has anyone actually reviewed this? Have experts/scientists reviewed it? Do we know if this is the best choice? Is this “de facto” approved if GA EPD approves the NPDES permit?</p>	<p>The draft Coal Ash Dewatering Plan for Plant Branch submitted in June 2017 has been reviewed by several EPD staff, EPD had comments and required the permittee to revise the Plan. EPD received a revised Plan on August 11, 2017 and after another period of review, approved it. EPD expects the conditions contained within the Plan to be protective of human health and the environment.</p>
<p>1. My understanding is that the Dewatering plan is not a part of the normal operations and is thus not a part of the permit? Will another permit be required? Will the public have the opportunity for input? 2. Can Georgia Power confirm that the terms conditions and limitations in the EPD approved ash pond dewatering plan will be incorporated into the revised permit? And once that permit is approved will the final ash pond dewatering plan be made public to the community for review and suggested improvements? If not, why?</p>	<p>Part III.C.2 of the draft permit placed on public notice addressed the potential for dewatering of the coal ash ponds on site, including a permit condition mandating that the permittee submit to EPD a Coal Ash Dewatering Plan no fewer than ninety (90) days before beginning dewatering activities and outlining minimum required components of the Plan. As the draft permit already contains conditions for a Coal Ash Dewatering Plan, the submittal and approval of the Coal Ash Dewatering Plan for Plant Branch is not a separate permitting action that is subject to additional public notice requirements.</p>

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<b>COMMENTS RECEIVED</b>	<b>EPD RESPONSE</b>
<p>3. Area residents, visitors, and homeowners should be informed and allowed to comment on the final EPD-approved Dewatering Plan to dispose of this waste into Lake Sinclair and Georgia's rivers.</p> <p>4. Under the proposed permit, Georgia Power would be allowed to discharge unlimited amounts of pollution into Lake Sinclair and the Oconee River pursuant to a “Dewatering Plan” that EPD alone decides is sufficient, without involving the public in that approval process. This is not how the Clean Water Act regulations for permits are intended to work.</p>	<p>However, EPD has posted the approved Coal Ash Pond Dewatering Plan to our website at the following address: <a href="https://epd.georgia.gov/coal-ash-pond-dewatering-plans">https://epd.georgia.gov/coal-ash-pond-dewatering-plans</a></p>
<p>We are concerned about the type of flocculants that will be used at step 3, and the secure disposal of the used flocculent. This will have a high level of heavy metal and other toxic contamination, and it matters a great deal how this toxic waste is bagged and where and how it will be disposed of. We hope this will be made a part of the public information available to us.</p>	<p>The flocculants and resulting solids will be co-managed with the CCR materials, which are currently planned for consolidation in Ash Pond E.</p>
<p>We are concerned about the quality of the filtration medium at step 6 of the process, the type and sensitivity of the sensor to be used, and reliability of monitoring before this effluent is passed on to the lake.</p>	<p>The diagram provided at the public hearing by Georgia Power Company depicts a typical wastewater treatment system that the permittee plans to use. Specifically for Plant Branch, the filtration system will be replaced with a clearwell tank.</p> <p>The clearwell tank is tested for Oxidation Reduction Potential (ORP) so that the free chlorine residual from the sodium hypochlorite feed on the inlet is removed before water leaves the</p>

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<b>COMMENTS RECEIVED</b>	<b>EPPD RESPONSE</b>
<p>1. The Draft Permit's effluent limitations are not sufficient to cover future dewatering discharges, which result from a fundamentally different activity than the passive, gravity-based settling treatment method contemplated by the Draft Permit and underlying application.</p> <p>2. Georgia EPPD should require GA Power to meet agreed upon "limits on the levels of pollutants in the dewatering discharge. The standards and limits and other pertinent information should be provided to the public before the wastewater is discharged.</p> <p>3. This plan needs to set actual, enforceable, limits on what Georgia Power is allowed to do.</p> <p>4. As an entirely different waste generating activity and treatment method than that identified, applied-for or contemplated under the existing, expired but administratively extended permit for Plant Branch that the instant Draft Permit is set to replace, ash pond dewatering discharges are not authorized under the current permit, and such discharges</p>	<p>system. Each tank has a set of instrumentation that checks the quality of the treated water.</p> <p>The analytical instrumentation for continuous monitoring includes a Hach DPD1P1 pH probe with a Hach SC200 transmitter, a Hach 1720E Turbidimeter with a Hach SC200 transmitter, a Wallace and Tiernan SFC/ Analyzer, and a Siemens Mag 5100 W 8" magnetic flow meter with Siemens Mag5000 transmitter.</p> <p>The draft permit contains both effluent limits sufficient to cover the current and future dewatering activities, which do not result from a fundamentally different activity (see the Fact Sheet pgs. 17-19 and Appendix A for further discussion regarding the discharge of "legacy wastewater").</p> <p>The inclusion of the Coal Ash Pond Dewatering Plan (Plan) in Part III.C.2 of the draft permit placed on public notice, specifically contemplated coal ash pond dewatering and the draft permit was placed on public notice in accordance with the Rules. Georgia Power has since submitted a Coal Ash Pond Dewatering Plan for Plant Branch and EPPD has approved the Plan.</p> <p>The draft NPDES permit placed on public notice outlined minimum requirements for what must be included in a dewatering plan before approval. Additional requirements may be included in an approved dewatering plan due to site-specific concerns. At this time EPPD believes there is no reasonable potential to cause or contribute to a WQS violation and has thus not included metals limits. However, upon commencement of</p>

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<b>COMMENTS RECEIVED</b>	<b>EPD RESPONSE</b>
<p>therefore do not enjoy permit shield protections under 33 U.S.C. § 1342(k).</p> <p>Before a facility may introduce a fundamentally different waste stream, the law requires that the Permit must first be modified in full compliance with public notice and comment requirements, so that appropriate effluent limitations and other conditions can be imposed. 33 U.S.C. § 1311(b)(1)(C); Ga. Comp. R. &amp; Regs. 391-3-6-.06(5)(a), (c), (12)(b); 40 C.F.R. §§ 122.62(a)(1), (a)(2), (a)(11).</p> <p>5. The clean water act requires that the public has the opportunity to discuss the changes when there is a change in the characteristic of the wastewater that is going into the waterbody.</p>	<p>dewatering activities, the permittee will monitor the effluent and the stream for pollutants of concern and provide the results to EPD for evaluation. EPD will evaluate the data to determine if a reasonable potential exists and take appropriate actions to ensure the discharge does not cause or contribute to WQ violations. Such actions may include opening the permit to include applicable effluent limits.</p>
<p>Bromide is omitted from the list of pollutants for which effluent and in stream monitoring is proposed in the proposed Dewatering Plan. As discussed previously, bromide occurs naturally in coal ash, and when mixed with certain disinfectants such as chlorine in certain public drinking water treatment systems they form carcinogenic trihalomethanes (“THMs”). While the maximum contaminant level for total THMs is 80 µg/L, EPA has set a maximum contaminant level goal for total THMs of zero. There are at least two drinking water intakes in the vicinity of Plant Branch: the Sinclair Water Authority which draws directly from Lake Sinclair and the City of Milledgeville intake which lies a few miles downstream of Lake Sinclair. Water quality confidence reports for both facilities show the presence of THMs. To ensure that discharges</p>	<p>Bromide occurs naturally in coal at small concentrations. The process of coal combustion produces flue gas in which most bromide is converted to its gaseous form (bromine). The concern for bromide in the wastewater discharges originates when air pollution control devices such as flue gas desulfurization (FGD) systems are used. As a result of FGD system operation, bromine is converted back to its soluble form and bromide can be a concern in the FGD wastestream. As Plant Branch is not equipped with a FGD system and has not reported bromide levels above non-detect in their application, EPD does not believe bromide to be a pollutant of concern.</p>

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<b>COMMENTS RECEIVED</b>	<b>EPD RESPONSE</b>
<p>associated with coal ash pond dewatering do not impact drinking water supplies for the community surrounding Lake Sinclair, EPD should require Georgia Power to monitor bromide discharges from Outfalls 03, 04, 05, and 06.</p>	
<p>1. EPD should require full delineation of the influent to the proposed wastewater treatment system, and public disclosure of the influent data, as a means of giving the public an opportunity to evaluate removal efficiency of the treatment system.</p> <p>2. Georgia EPD should require Georgia Power to sample the pollutant concentrations in the ponds themselves before they are sent through the treatment system.</p>	<p>The approved Coal Ash Dewatering Plan contains a description of a wastewater treatment system to ensure the effluent discharge does not cause or contribute to instream water quality violations. To design and configure a treatment system, the permittee will had to of sampled the wastewater in the existing ponds to ensure the chosen method of treatment is sufficient. EPD may request to review the influent data, if necessary, during our evaluation of a Dewatering Plan.</p>
<p>EPD should require Georgia Power to disclose the date on which it plans to begin dewatering, the anticipated amount of time that dewatering will take (from start to finish), and notification of completion.</p>	<p>The permittee has submitted a proposed Coal Ash Dewatering Plan requesting the commencement of dewatering activities. EPD has since approved the Plan and it is available on our website at the link below. The permittee may commence dewatering at any time.</p> <p><a href="https://epd.georgia.gov/coal-ash-pond-dewatering-plans">https://epd.georgia.gov/coal-ash-pond-dewatering-plans</a></p> <p>The dewatering timeline is weather dependent, but it is anticipated that dewatering activities will extend at least the term of the permit (5 years).</p>

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<b>COMMENTS RECEIVED</b>	<b>EPD RESPONSE</b>
<p align="center"><b><u>Request for Permit Modification</u></b></p> <p>Part III.C.2 of the Draft Permit improperly proposes to give Georgia Power advance authorization to discharge all of its impounded, coal ash-polluted wastewater—the accumulation of decades of on-site coal ash disposal—into Sinclair Lake at some unspecified future date. This permit condition contemplates the dewatering of the ponds (i.e. the wholesale emptying of the ponds’ accumulated wastewater) could occur without reopening the permit. The provisions would confer this advance blanket authorization even though no treatment methods, limits or other permit conditions related to dewatering discharges are specified. The Draft Permit imposes just one condition on this fundamental change to how the ponds have historically been operated: Georgia Power must first submit a “Coal Ash Pond Dewatering Plan,” which EPD may evaluate and approve without undergoing public notice and comment as required by state and federal law.</p>	<p>EPD has evaluated the submitted permit application and supporting documentation and proposed a permit with appropriate effluent limits based on applicable Federal and State Regulations and the reasonable potential analysis conducted on the pollutants of concern submitted in the Form 2C permit application and other supporting documents ensuring the permit is legal, enforceable and protective of human health and the environment. Upon issuance the permittee will be authorized to discharge treated wastewater from the permitted outfalls.</p> <p>EPD agrees there <u>may</u> be a potential for the concentration of pollutants discharged to increase during the dewatering activity using the current treatment system. In the draft permit placed on public notice, EPD required that before dewatering the permittee submit a Coal Ash Dewatering Plan which will serve to address coal ash dewatering under the issued NPDES permit. The Coal Ash Dewatering Plan allows EPD to review, comment and approve the proposed technologies the permittee believes are necessary to comply with all conditions of the issued NPDES permit.</p> <p>The permittee has since submitted a Coal Ash Dewatering Plan for Plant Branch and EPD has approved the Plan.</p>

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<b>COMMENTS RECEIVED</b>	<b>EPD RESPONSE</b>
<p>An emergency response plan is not included under this draft pollution permit. What exactly will happen? What will be the process? This should be spelled out in detail with the permit.</p>	<p>Regulations outside the scope of this permit already require the permittee to have an emergency response plan developed for facility operations. Additionally, the proposed permit includes notification requirements in emergency situations such as bypasses, impoundment integrity concerns, and release of wastewater not meeting effluent quality standards.</p>
<p>1. The proposed dewatering activities must be addressed as a major permit modification and not simply as a requirement to submit a dewatering plan.</p> <p>The law is clear that effluent discharges associated with complete draining of the ash ponds are not something that can be authorized in advance, outside of the public notice and comment provisions of the Clean Water Act, 33 U.S.C. §§ 1251(e). Instead, material changes like those contemplated by the Draft Permit’s dewatering provision must be addressed within the four corners of the Draft Permit, with public notice and comment. 33 U.S.C. § 1311(b)(1)(C); Ga. Comp. R. &amp; Regs. 391-3-6-.06(4), (12)(b); 40 C.F.R. §§ 122.62(a)(1), 125.3. The relevant Federal regulation, which is adopted and incorporated into Georgia’s water quality control regulations, provides that “substantial alterations or additions to the permitted facility or activity (including a change or changes in the permittee’s sludge use or disposal practice)” are cause for a permit modification. 40 C.F.R. § 122.62(a)(1) (emphasis added). Georgia law provides that EPD must determine whether a permit modification is necessary “in accordance with the provisions of Federal Regulations” ... “including, but not</p>	<p>EPD agrees that 40 CFR § 122.62 allows the director to determine if cause exists to modify or revoke a permit, and that in particular § 122.62(a)(1) states that a cause for modification may include “material and substantial alterations or additions to the permitted facility or activity . . . .” (emphasis added). See also Ga. Comp. R. &amp; Regs. r. 391-3-6-.06(12)(b).</p> <p>Part III.C.2 of the draft permit placed on public notice addressed the potential for dewatering of the coal ash ponds on site, including a permit condition mandating that the permittee submit to EPD a Coal Ash Dewatering Plan no fewer than ninety (90) days before beginning dewatering activities. EPD has since approved a Coal Ash Dewatering Plan for Plant Branch and the approved plan is available on EPD’s website for ease of access by the public.</p> <p>The Plan is available at the following web address: <a href="https://epd.georgia.gov/coal-ash-pond-dewatering-plans">https://epd.georgia.gov/coal-ash-pond-dewatering-plans</a></p> <p>Accordingly, the draft permit already addresses the potential for dewatering of the onsite coal ash ponds. EPD therefore</p>



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<p>limited to, the enumerated causes listed in Federal Regulations, 40 C.F.R. [§] 122.62...” Ga. Comp. R. &amp; Regs 391-3-6-.06(12)(b) (emphasis added).</p> <p>2. The Draft Permit’s most glaring flaw is its failure to impose terms, conditions and limitations on the dewatering of the site’s four ash ponds. The Draft Permit instead merely requires Georgia Power to submit a proposed Dewatering Plan, which EPD may approve at some later date without public notice and comment. Once approved, the Dewatering Plan’s provisions would not be incorporated into the permit, and hence, whatever its merits, the Plan would be unenforceable. The effect is to deprive the public of any say over what will undoubtedly be the most significant wastewater discharge event from Plant Branch in the months ahead.</p>	<p>disagrees that dewatering of the coal ash ponds included in the permit are a “material and substantial” alteration to the permitted activities, justifying a cause to modify the permit prior to coal ash pond dewatering. If, however, during the permit term EPD ever believes cause exists to modify the permit, EPD may modify the permit in accordance with all applicable laws and rules.</p>
<p>In a more recent example, EPA Region IV reiterated that ash pond dewatering activities must first undergo major permit modification prior to authorizing such discharges. Last year, Gulf Power sought a “minor” modification of its NPDES permit from the Florida Department of Environmental Protection (“Florida DEP”). The request sought to authorize changes to the Scholz Electric Generating Plant’s coal ash disposal and wastewater treatment practices in order to facilitate closure of its coal ash ponds at its Pensacola Florida power plant. Upon notice of the proposed “minor revision” of Gulf Power’s NPDES permit to authorize such changes, EPA Region IV instructed the Florida DEP that EPA would consider Gulf Power’s request as a “major modification” of the permit, because the utility’s proposed alterations to its coal ash disposal</p>	<p>EPA Region IV did not state that ash pond dewatering activities must be treated as major modifications in there correspondence to FL DEP. EPD is not unilaterally declining to “open the permit to include applicable effluent limits to protect the receiving water body.” If during the permit term, EPD determines cause exists to modify the permit, EPD will reopen the permit in accordance with the applicable Rules.</p> <p>EPD has assessed the Gulf Power Scholz Electric Generating Plant’s permit and determined that the situation is fundamentally different. Here EPD is renewing an existing NPDES permit, not modifying the permit as was the case in Florida. Again, if during the permit term, EPD determines cause exists to modify the permit, EPD will reopen the permit in accordance with the</p>

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<b>COMMENTS RECEIVED</b>	<b>EPD RESPONSE</b>
<p>and wastewater treatment practices did not fit the specifically enumerated situations qualifying for a “minor modification” of the plant’s NPDES permit under 40 C.F.R. §122.63.29 In doing so, EPA Region IV rejected Florida DEP’s August 2016 determination that Gulf Power’s proposed alterations to its coal ash disposal and wastewater treatment practices, intended to facilitate ash pond closure, could be accomplished by a “minor modification” of the Scholz Plant’s NPDES permit. Rather, because the changes entailed alterations, additions and changes to waste disposal and wastewater treatment practices at Plant Scholz, the NPDES permit had to undergo major permit modification subject to full public notice and comment prior to authorizing any pollutant discharges under that permit.</p> <p>As the above examples demonstrate, because plant alterations, additions and changes to disposal practices will be necessary to fully dewater the ponds at Plant Branch, and because these changes are specifically enumerated as cause for major permit modification under federal and state law, EPD cannot unilaterally decline to “open the permit to include applicable effluent limits to protect the receiving water body.” Draft Permit, Part III.C.2. By purporting to give EPD such authority, the Draft Permit violates 40 C.F.R. § 122.62(a)(1). See Ga. Comp. R. &amp; Regs. 391-3-6-.06(12)(b) (requiring that permit provisions must be “in accordance with the provisions of the Federal Regulations”).</p>	<p>applicable Rules.</p>

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<b>COMMENTS RECEIVED</b>	<b>EPD RESPONSE</b>
<p align="center"><u>Request to Establish TBELs</u></p> <p>1. The Draft Permit fails to establish technology-based effluent limits for coal ash pond dewatering discharges.</p> <p>For sources constructed prior to the passage of the Federal Water Pollution Control Act of 1972, such as Plant Branch, discharges of pollutants must be eliminated or controlled through application of Best Available Technology (“BAT”). See 33 U.S.C. § 1311(b)(2)(A). In accordance with the Act’s goal to eliminate all discharges of pollutants, BAT limits “shall require the elimination of discharges of all pollutants if the Administrator finds, on the basis of information available to him . . . that such elimination is technologically and economically achievable . . . .” 33 U.S.C. § 1311(b)(2)(A).</p> <p>In the absence of promulgated ELGs, or where such guidelines are inadequate, a state permitting agency must promulgate permit effluent limitations, in accordance with BAT, on a case-by-case basis using the permit writer’s best professional judgement (“BPJ”).</p> <p>2. In an apparent attempt to address potential future and substantially different dewatering wastestreams that would be released by the complete pumping out of the Plant Branch coal ash ponds, Part III.C.2 of the Draft Permit calls for the permittee to submit a Coal Ash Pond Dewatering Plan outlining materially different “wastewater treatment system components” and “process controls being installed” to treat these future</p>	<p>The following is language from the Preamble to 40 CFR Part § 423 regarding the applicable TBELs for the discharge of “legacy wastewater,”</p> <p>“Under this rule, legacy wastewater must comply with specific BAT limitations, which EPA is setting equal to the previously promulgated BPT limitations on TSS in the discharge of fly ash transport water, bottom ash transport water, and low volume waste sources.”</p> <p>Additionally, in Section 8.3.8 of the “Technical Development Document for Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category,” EPA-821-R-15-007, dated September 2015, it states the following “For purposes of the BAT limitations in this rule, EPA uses the term “legacy wastewater” to refer to FGD wastewater, fly ash transport water, bottom ash transport water, FGMC wastewater, or gasification waste water generated prior to the date determined by the permitting authority that is as soon as possible beginning November 1, 2018, but no later than December 31, 2023 (see Section 8.3.7). Under this rule, legacy wastewater must comply with specific BAT limitations, which EPA is setting equal to the previously promulgated BPT limitations on TSS in the discharge of fly ash transport water, bottom ash transport water, and low volume waste sources.”</p> <p>Since the draft permit was placed on public notice, EPA has</p>

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<p>dewatering wastestreams. Draft Permit at 19. The approach envisioned by such a provision is contrary to both the letter and intent of the Clean Water Act and attendant regulations, which require imposing specific Technology-based effluent limitations (“TBELs”) within a NPDES permit prior to authorizing such discharges.</p> <p>EPD must formulate TBELs in Plant Branch’s NPDES permit specifically tailored to the effluent and treatment of wastestreams associated with any dewatering activities.</p> <p>3. The 1982 ELGs do not apply to coal ash pond dewatering discharges.</p> <p>EPA Region I recently explained in amending TBELs in a NPDES permit governing coal ash pond discharges, the 1982 ELGs “established effluent limitations based on the best practicable control technology currently available (BPT) standard for the ‘catch-all’ category of ‘low volume wastes.’” As the 1982 EPA Development Document underlying the 1982 ELGs explains, the “ponds use solar energy to evaporate wastewater” as the form of treatment, “and thereby concentrate dissolved solids in the wastewater” at the lower portions of the ponds, as a means of capturing and containing the waste via settling and evaporation.</p> <p>It is that vastly more concentrated waste stream – the settled, removed waste occupying the lower portions of Branch ash ponds – that would be released to the environment during dewatering. In other words, the discharges associated with draining the ponds are different in both volume and kind to</p>	<p>subsequently announced its decision to reconsider the final rule’s effective date of November 1, 2018 and administratively stay compliance dates that have not yet passed. See EPA April 12, 2017 Notice, delay of compliance deadlines. Docket ID No. EPA-HQ-OW-2009-0819, RIN 2040-AF14. The stay of the compliance dates does not affect EPA’s BAT determination for discharge of treated wastewater from coal ash ponds.</p> <p>See pages 17-19 and Appendix A of the Fact Sheet for further discussions regarding the EPA established BAT technology based effluent limit for the discharge of treated legacy wastewater from the coal ash ponds.</p> <p>The draft permit includes the applicable TBELs required under 40 CFR Part § 423.</p>

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<p>ordinary discharges. Because the 1982 ELGs do not envision the discharge of these settled and removed wastes, and therefore do not impose national effluent standards for such wastestreams, it is incumbent upon EPD to develop applicable TBELs either now, or as part of a future major permit modification.</p>	
<p>Part III.C.2 of the draft Permit must be amended by inserting the following sentence to read as follows (hereinafter, the “Dewatering Condition”):</p> <p><i>EPD will evaluate the submitted data and act in accordance with the requirements of EPA’s regulations for permit modification under 40 C.F.R. § 122.62(a), to develop appropriate effluent limitations and other conditions applicable to discharges comprising coal ash pond dewatering. EPD will develop appropriate water-quality based effluent limitations or technology-based effluent limitations in accordance with 33 U.S.C. § 1311(b)(1)(C), 40 C.F.R. § 125.3(g); Ga. Comp. R. &amp; Regs. 391-3-6-.06(4)(a)(1), (a)(10), (d). No discharge of effluent associated with the large-scale decanting or dewatering of the ash ponds for closure purposes shall be authorized under this Permit prior to modification of this Permit in accordance with this Paragraph 2.</i></p>	<p>Comment noted.</p> <p>EPD does not believe this language is necessary and has not included the suggested language.</p>
<p>Part II.A.1.c of the draft Permit must be amended by inserting the following language underlined below to read:</p> <p><i>Following notice in paragraph a. or b. of this condition, the permit may be modified in accordance with 40 C.F.R. § 122.62</i></p>	<p>Comment noted.</p> <p>EPD does not believe this language is necessary and has not included the suggested language.</p>

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<p><i>and any other applicable requirements imposed by law. The permittee shall not make any changes, or conduct any activities, requiring notification in paragraph a. or b. of this condition without approval from EPD.</i></p>	
<p>EPD must use its Best Professional Judgment to establish TBELs for ash pond dewatering discharges. EPD's development of appropriate TBELs must occur in full compliance with the Clean Water Act's notice and public comment provisions, enabling not only interested members of the public, but EPA, the U.S. Fish and Wildlife Service and citizens of neighboring states to participate in this important agency determination. 33 U.S.C. §§ 1251(e).</p>	<p>EPD is not required to develop a TBEL when a federal categorical ELG already contains appropriate and applicable TBELs. The draft permit includes the applicable TBELs.</p>
<p>Georgia's NPDES permit regulations provide that "[p]ublic notice of every complete permit application will be prepared and circulated in a manner designated to inform interested and potentially interested persons of the proposed discharge and the proposed determination to issue or deny a permit for the proposed discharge." Ga. Comp. R. &amp; Regs. 391-3-6-.06(7)(b). The proposed discharges at issue here are only those identified in Georgia Power's NPDES permit application.</p> <p>Upon receipt of Notice from Georgia Power of the proposed dewatering activities (which entail a material change in the waste generation and disposal practices), EPD must "inform interested and potentially interested persons of the proposed [dewatering] discharge and the proposed determination to issue or deny a permit for the proposed [dewatering] discharge." See</p>	<p>In April 2015, EPA published final regulations, known as the "CCR Rule" to address the disposal of coal combustion residuals stored in landfills and ponds.</p> <p>EPA recently updated ELGs for steam electric power plants. 80 Fed. Reg. 67,838 (Nov. 3, 2015) (codified at 40 C.F.R. Pt. 423).</p> <p>The permit application evaluated by EPD provided the necessary information and did "contemplate" the dewatering of the coal ash ponds to comply with the CCR and Revised Steam Electric Rule.</p> <p>The inclusion of the Coal Ash Pond Dewatering Plan (Plan) in Part III.C.2 of the draft permit placed on public notice, specifically "contemplated" coal ash pond dewatering and the</p>

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<p>id. (emphasis added). Hence, the approach envisioned by Part III.C.2 of the Draft Permit is manifestly improper, because it contemplates allowing dewatering to go forward without public notice and comment, and without a BPJ determination by EPD. Ga. Comp. R. &amp; Regs. 391-3-6-.06(7)(b), (12)(b); 40 C.F.R. § 122.62(a).</p>	<p>draft permit was placed on public notice in accordance with the Rules. Georgia Power has since submitted a Coal Ash Pond Dewatering Plan for Plant Branch and EPD has approved the Plan.</p> <p>At the time the draft permit was developed and placed on public notice, there was a requirement to eliminate dry ash and bottom ash wastestreams within a specified period of time and close the coal ash ponds.</p>
<p>The Draft Permit erroneously omits the mandatory TBEL analysis from Part III.C.2 by only addressing water quality impacts stemming from dewatering discharges. Under the Clean Water Act, effluent limits imposed in a NPDES permit must reflect evaluation of both the applicable TBELs as well as water quality based effluent limitations (“WQBELs”), applying the more stringent of the two in the final permit.</p> <p>The final sentence within Part III.C.2 of the Draft Permit erroneously omits EPD’s mandatory determination of appropriate TBELs under the BAT standard using its BPJ, focusing solely upon water quality based impacts stemming from future dewatering discharges. The WQBEL-only inquiry envisioned by Part III.C.2 is improper, and therefore cannot authorize the discharge of pollutants stemming from the large-scale drawdown, release and dewatering of coal ash ponds at Plant Branch at some unknown future date.</p>	<p>EPD did not focus solely on water quality based impacts. EPD has already applied the “legacy wastewater” BAT TBELs. As stated above in the “EPD Response,” EPA developed a BAT TBEL for the discharge of “legacy wastewater” and it has been applied in the draft permit in accordance with the Rules.</p> <p>The language in Part III.C.2 of the proposed permit requiring the permittee to follow the approved Coal Ash Dewatering Plan for Plant Branch, does solely focus upon WQBELs to ensure the treated discharge from the coal ash ponds does not cause or contribute to instream violations of the WQS.</p>

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**COMMENTS RECEIVED**

**EPD RESPONSE**

**Application “failures”**

The Draft Permit fails to reflect proposed methods to treat dewatering wastewaters, impermissibly reserving that decision to EPD for a future, unspecified date.

In applying for the issuance or renewal of a NPDES permit, an applicant must identify the operation contributing to the effluent for which discharge authorization is sought for each designated outfall. Ga. Comp. R. & Regs. 391-3-6-.06(5)(a), (c); 40 C.F.R. §§ 122.21(e)(3), (f)(1), (g)(3), (g)(4), (g)(7). The applicant must additionally identify the proposed methods for treating discharges stemming from the identified waste generating operations. Ga. Comp. R. & Regs. 391-3-6-.06(5)(a), (c); 40 C.F.R. § 122.21(g)(3). Based on this information, EPD must publish a proposed NPDES permit delineating all pertinent conditions and restrictions imposed on authorized discharge, so that the public (and EPA) has a reasonable means of understanding what pollutants will be released, how they will be treated, reduced and, if feasible, eliminated. 33 U.S.C. §§ 1251(e), 1342(d); Ga. Comp. R. & Regs. 391-3-6-.06(8)(b)(3). The Draft Permit fails to meet this standard.

The ash pond wastestream is not a new wastestream. It is legacy wastewater. Because the decommissioning and dewatering discharges are not a new wastestream, the permittee was not required to separately address decommissioning/dewatering in its NPDES permit application Form 2C.

The permittee identified the “contributing flow” for Outfall 03 as “Final Ash Pond Discharge” and “Storm water” and provided the applicable “treatment” as “4A, 1U, 1G, 2C” on the NPDES permit application, Form 2C:

If for each outfall, provide a description of (1) All operations contributing wastewater to the effluent, including process wastewater, auxiliary wastewater, cooling water and storm water runoff; (2) The average flow contributed by each operation; and (3) The treatment received by the wastewater. Continue on additional sheets if necessary.

1. OUTFALL NO. (000)	2. OPERATIONS CONTRIBUTING FLOW (include unit)	3. TREATMENT	
		a. DISCHARGE (include unit)	b. LIST CODES FROM TABLE 2C
03	Final Ash Pond Discharge - Storm Water	4,000 GPM (max)	4A 1U, 1G, 2C
04	Ash Pond “C” Emergency Overflow – Storm Water	7,500 GPM (max)	4A 1U
05	Ash Pond “E” Emergency Overflow – Storm Water	3,600 GPM (max)	4A 1U
06	Ash Pond “F” Emergency Overflow – Storm Water	7,500 GPM (max)	4A 1U

Application Form 2C-1 identifies the following treatment codes as follows:

- 4A – Discharge to Surface Waters
- 1U – Sedimentation (settling)

The NPDES Permit Application references “Plant Decommissioning” as a waste generating operation for emergency only Outfalls 04, 05, and 06, but not for Final Ash Pond Discharge Outfall 03. Application, at 1a of 4, 2 of 4. But the application does not identify decommissioning, pond



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<b>COMMENTS RECEIVED</b>	<b>EPD RESPONSE</b>
<p>closure or dewatering as a waste generating operation for the “Combined Ash Pond System” wastewater discharge from Outfall 03, even though such discharges are not only contemplated but planned. Indeed Outfall 03 is the only outfall for which a “Water treatment plant” is proposed to treat any wastewaters “associated with future dewatering activities.” Fact Sheet, App’x C, Process Flow Line Diagram. Accordingly, the Permit Application fails to seek authorization to discharge dewatering wastestreams from Outfall 03, even though Georgia Power has separately provided notice of its intention to engage in such discharges, perhaps imminently. For this reason alone, the Draft Permit must be withdrawn, revised, and reissued to incorporate the Dewatering Condition for at least Outfall 03, as set forth above.</p> <p>Aside from this material defect, the treatment system proposed for the dewatering waste streams is not sufficiently identified in the application. (Compare Permit Application, at 1a – 4, 2 of 4 and Process Flow Line Diagram (featuring little more than a box and fifteen-word “Water treatment plant” caption) with 40 C.F.R. § 122.21(g)(3) (requiring identification of a “narrative description of each type of process, operation, or production area which contributes wastewater to the effluent for each outfall, . . . and a description of the treatment the wastewater receives, including the ultimate disposal of any solid or fluid wastes other than by discharge” in the application). To be properly authorized by the permit, dewatering activities, including proposed methods of treatment approved and proposed by EPD for public comment, must be sufficiently disclosed in the permit file and Draft Permit, so that the public can meaningfully weigh in on the conditions, effluent</p>	<p>1G – Flocculation 2C – Chemical Precipitation</p> <p>Additionally, the process flow diagram provided with the application identifies the “WTP” (wastewater treatment plant) of which all process water will flow through during dewatering activities prior to discharge to Lake Sinclair.</p>

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<b>COMMENTS RECEIVED</b>	<b>EPD RESPONSE</b>
<p>limitations, and wastewater treatment methods proposed for closure of the coal ash ponds at Plant Branch.</p>	
<p>The ash pond closure process would entail not only large scale drawdown and decanting of impounded wastewater, but also mechanical extraction of interstitial pore water out from within the ash particles, and/or other mechanical movement of the ash as part of pond closure. The potential impacts to Lake Sinclair from future dewatering activities at Plant Branch calls for full disclosure of the wastewater treatment technology proposed by Georgia Power and approved by EPD in a proposed NPDES permit, so that the public has an opportunity to weigh in on the proposed treatment, and if necessary, suggest additional restrictions and conditions on such treatment methods. Applicable state and federal regulations require no less, 33 U.S.C. § 1311(b)(1)(C); Ga. Comp. R. &amp; Regs. 391-3-6-.06(5)(a), (c), (12)(b); 40 C.F.R. §§ 122.62(a)(1), (a)(2), (a)(11).</p>	<p>Part III.C.2 of the draft permit placed on public notice addressed the potential for dewatering of the coal ash ponds on site, including a permit condition mandating that the permittee submit to EPD a Coal Ash Dewatering Plan no fewer than ninety (90) days before beginning dewatering activities. EPD reviewed and approved the Coal Ash Dewatering Plan for Plant Branch and has posted the approved plan on EPD's website for ease of access by the public.</p> <p>The Plan is available at the following web address: <a href="https://epd.georgia.gov/coal-ash-pond-dewatering-plans">https://epd.georgia.gov/coal-ash-pond-dewatering-plans</a></p>
<p align="center"><b><u>EPA Region IV Comments to North Carolina's Department of Natural Resources</u></b></p>	
<p>EPA Region IV has addressed the material distinction between discharge of coal ash pond effluent stemming from ordinary passive, gravity-based settling wastewater treatment methods versus the large scale decanting of coal ash ponds in connection with Duke Energy's request to decant 14 ponds. EPA informed North Carolina's Department of Natural Resources ("DENR") that Duke's request was unacceptable under the Clean Water</p>	<p>In accordance with EPD's Memorandum of Agreement with EPA Region IV, signed in 2007, EPD transmitted the draft permit and supporting documentation to EPA for review. EPA provided comments for the draft permit, provided below in the "EPD Response to Comments – EPA Comments" section.</p> <p>EPA's comments did not address a purported material distinction</p>

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<p>Act, absent adherence with the applicable regulatory controls. EPA concluded that large scale decanting represents a major change in discharge activity as compared with discharges from the upper levels of these coal ash ponds during ordinary plant operations.</p> <p>Under these circumstances, the law requires that the Plant's NPDES permit must first be modified so that appropriate effluent limitations and other conditions can be imposed on these distinctly different wastestreams, subject to public notice and comment. 33 U.S.C. § 1311(b)(1)(C); Ga. Comp. R. &amp; Regs. 391-3-6-.06(5)(a), (c), (12)(b); 40 C.F.R. §§ 122.62(a)(1), (a)(2), (a)(11).</p>	<p>between discharge of coal ash pond effluent stemming from ordinary passive, gravity-based settling wastewater treatment methods versus decanting or dewatering.</p> <p>The following is language from the Preamble to 40 CFR Part § 423 regarding the applicable TBELS for the discharge of "legacy wastewater,"</p> <p>"Under this rule, legacy wastewater must comply with specific BAT limitations, which EPA is setting equal to the previously promulgated BPT limitations on TSS in the discharge of fly ash transport water, bottom ash transport water, and low volume waste sources."</p> <p>Additionally, in Section 8.3.8 of the "Technical Development Document for Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category," EPA-821-R-15-007, dated September 2015, it states the following "For purposes of the BAT limitations in this rule, EPA uses the term "legacy wastewater" to refer to FGD wastewater, fly ash transport water, bottom ash transport water, FGMC wastewater, or gasification waste water generated prior to the date determined by the permitting authority that is as soon as possible beginning November 1, 2018, but no later than December 31, 2023 (see Section 8.3.7). Under this rule, legacy wastewater must comply with specific BAT limitations, which EPA is setting equal to the previously promulgated BPT limitations on TSS in the discharge of fly ash transport water, bottom ash transport water, and low volume waste sources."</p> <p>Since the draft permit was placed on public notice, EPA has</p>

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	<p>subsequently announced its decision to reconsider the final rule's effective date of November 1, 2018 and administratively stay compliance dates that have not yet passed. See EPA April 12, 2017 Notice, delay of compliance deadlines. Docket ID No. EPA-HQ-OW-2009-0819, RIN 2040-AF14. The stay of the compliance dates does not affect EPA's BAT determination for discharge of treated wastewater from coal ash ponds.</p> <p>See pages 17-19 and Appendix A of the Fact Sheet for further discussions regarding the EPA established BAT technology based effluent limit for the discharge of treated legacy wastewater from the coal ash ponds.</p> <p>The draft permit includes the applicable TBELs required under 40 CFR Part § 423.</p>
<p><b><u>Comparison of Coal Ash Pond Dewatering Activities In the State</u></b></p>	
<p>1. Information concerning ash pond dewatering activities at other Georgia Power sites illustrates how wastewater discharges from dewatering may materially differ from those occurring under ordinary plant operations. For instance, monitoring records from Plant McDonough since December 2016 reveal concentrations of chromium in the dewatering effluent that are nearly three times higher than the estimated effluent concentrations disclosed in the McDonough NPDES permit application. Selenium concentrations were detected at up to forty-six times the concentration identified in the permit application; Nickel at five to nearly ten</p>	<p>EPPD approved the Coal Ash Dewatering Plans for GA Power Company's Plant McDonough-Atkinson and Plant McManus on January 10, 2017.</p> <p>Georgia Power has commenced dewatering of the ash ponds at Plant McManus in Glynn County and Plant McDonough-Atkinson in Cobb County for the purpose of closing them.</p> <p>For these facilities, Georgia Power provided advance notice to EPPD of the dewatering activities in accordance with their NPDES permits and submitted detailed plans to EPPD describing</p>

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<p>times the prior reported value; and Zinc at nearly seven times the estimated concentration. Importantly, these reported effluent concentrations were recorded after undergoing so-called “enhanced” wastewater treatment as described in the McDonough “Dewatering Plan” approved by EPD (without notice or public comment). The concentration of pollutants within the effluent may only rise in the future, as water is drawn and pumped from lower levels of the ponds, and eventually from the interstitial pore water from within the saturated coal ash particles.</p> <p>2. In reference to the pamphlet and diagram provided by Georgia Power of the proposed dewatering plan and the filtration system given, is this plan in use in other places and how efficient has it proven to be?</p>	<p>the water treatment controls, processes, and monitoring and reporting practices implemented to protect water quality.</p> <p>The approved Plans are available on our website at: <a href="https://epd.georgia.gov/coal-ash-pond-dewatering-plans">https://epd.georgia.gov/coal-ash-pond-dewatering-plans</a></p> <p>EPD is reviewing the monitoring data as we receive it and so far the data confirms that water quality is being protected. EPD understands there are concerns about some of the higher concentrations of pollutants being discharged and reported to EPD.</p> <p>EPD has evaluated the submitted data and determined that the increased level of pollutants does not cause or contribute to instream WQS violations; hence the increased level of pollutants discharged has not triggered the reasonable potential for an effluent limit in the NPDES permit.</p> <p>If during the dewatering activities EPD determines that a reasonable potential exists, EPD will take appropriate actions to ensure the discharge does not cause or contribute to WQ violations.</p>
<p>The instream impact of dewatering discharges at another Georgia Power plant in coastal Georgia raises similar concerns, and call into question whether the performance of wastewater treatment systems employed at pond dewatering sites are the most technologically and economically achievable at these sites. In the summer of 2016, a concerned citizen complained to EPD’s Coastal Division about dewatering discharges at Georgia</p>	<p>EPD responded to complaints received on December 22, 2016 and June 22, 2016 at the Georgia Power Company Plant McMannus facility. The Complaint Tracking System nos. are 81709 and 8013. EPD conducted site visits and follow-up site visits after each complaint was received.</p> <p>At the time of the December 2016 and January 2017 site visits,</p>

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<p>Power’s Plant McManus in Brunswick, Georgia. Photos submitted by the resident documented the discharge and release of visible sediments, and/or floating solids from the ash pond dewatering discharges at Plant McManus. The photographs submitted to EPD depicted highly discolored effluent from the coal ash pond outfall at Plant McManus.</p> <p>These conditions were documented over the course of months, from the summer through winter of 2016.</p> <p>EPD personnel later confirmed the release of pollutants from the McManus dewatering site. A subsequent site inspection in June 2016 confirmed water leaving the [pond] outfall which was clear but foamy” adjacent to the ash pond outfall, where pond closure-related discharges were taking place. As demonstrated, however, by the highly discolored, turbid plume depicted in photographs of the dewatering site, the effluent released from the ash ponds at Plant McManus is anything but “clear.”</p> <p>The above examples illustrate why the public deserves to know how the ash pond dewatering wastewaters will be treated before these wastewaters are released to Lake Sinclair.</p>	<p>EPD determined, “I noticed no coal ash migration from the ash containment areas, and best management practices for their construction activities were installed.... At the time of the visit, adequate measures were in place to control both turbidity and foam in the discharge.”</p> <p>At the time of the June 2016 and July 2017 site visits, EPD determined “there was no visible evidence of sediment leaving the site by wind or water. No ash deposits were observed on marsh, dike or causeway vegetation. Neither was ash observed on the surface water.”</p> <p>The complete investigation reports are available upon request at the Coastal District Office in Brunswick.</p>
<p align="center"><b><u>EPA Region IV Comments</u></b></p>	
<p>We recommend the permit require instream monitoring up- and down-stream of the facility’s main outfall as soon as possible after the effective date of the permit. The monitoring should occur before dewatering commences, and the results should be</p>	<p>EPD concurs, however as a Coal Ash Pond Dewatering Plan for Plant Branch has already been submitted and approved, the condition is not applicable to this permit and will not be included.</p>

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<p>used to revise the Reasonable Potential Analysis, as needed, to include appropriate water quality-based effluent limits. This will provide data to demonstrate/verify that the dewatering event will not cause or contribute to a violation of instream water quality standards.</p>	<p>The approved Coal Ash Dewatering Plan for Plant Branch requires a minimum sampling frequency instream of 2/month while dewatering is occurring.</p>
<p>All the discharges from the facility are to Lake Sinclair. Lakes typically have a Q10 of zero; however, based on the above mentioned March 1st memo, it appears that a dilution factor of 1:156 may have been used to do the RPA for all outfalls. Please explain why dilution may have been considered.</p>	<p>The 1:156 dilution factor was based on the minimum hydraulic release from the upstream dam, however in the absence of a detailed mixing analysis, EPD has reduced the dilution factor to 1:2 for the preliminary determination of the potential impact of toxics on the receiving waterbody. The permittee may choose to provide the information/analysis necessary to determine a more realistic dilution and/or mixing zone.</p>
<p>The permit should specify the analytical test method numbers to be used for compliance. For example, the most sensitive method for mercury is EPA Method 1631E. Likewise, for other metals, EPA Method 245.7 is appropriate.</p>	<p>Part I.B.3 of the permit requires the permittee to use the “sufficiently sensitive” test method as required in the 40 CFR Part 136.  Other than referencing 40 CFR Part 136 in the permit, EPD does not believe the inclusion of the specific test methods for mercury and other metals is necessary and we have not included them in the proposed permit.</p>
<p>1. The permit should define the term “dewatering activity”. For example, clarify how to differentiate between a dewatering activity from a typical discharge or drawdown event.  2. EPD should define “dewatering”, as distinguished from</p>	<p>EPD has included the below language describing the terminology “dewatering activity.”  “prior to the closure process beginning, ash pond discharges will not cause water levels to drop beyond normal historical</p>

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<p>“decanting” of the ash ponds. The definitions should address whether such terms describe ordinary gravity-based ash pond discharges, or discharges resulting from active, mechanical pumping of ash ponds as part of pond closure. EPD’s definitions should also address any differences between coal ash pond wastewater that sits near the surface of an ash pond and wastewater that lies close to and/or in the interstitial space between coal ash particles.</p>	<p>operation, hence once the dewatering activity has begun, the water levels may drop below historical operations.”</p>
<p>Sampling to be performed during the dewatering operations should be a least weekly for the first few weeks and more often as the ash pond levels drops closer to the ash layer. This will ensure that instream water quality standards are not exceeded. Parameters should include pollutants common to ash pond discharges, such as: turbidity, TDS, Cu, Se, As, Hg, Cr, Pb, Cd, Zn, Ni, and hardness.</p>	<p>The draft permit already included EPA’s list of pollutants to be monitored. Additionally, the draft permit had already expanded on the EPA proposed list of pollutants to include flow, pH, oil and grease, biochemical oxygen demand,5-day, total suspended solids, total residual chlorine, ammonia (as NH3), total kjeldahl nitrogen, organic nitrogen, phosphorus, and ortho-phosphorus.</p> <p>EPD believes if the treatment system is operated appropriately and the continuous inline flow, pH, and turbidity effluent targets are maintained, there should be no need to increase sampling frequencies. Additionally, another safeguard for water quality protection is provided with an automatic shutoff and return of the treated wastewater back to the coal ash pond or head of the treatment plant.</p> <p>However, EPD does appreciate and understand the concerns and also believes that increased sampling will aide in our oversight of the operability of the treatment plant to ensure the discharge does not cause or contribute to instream water quality violations, hence EPD has increased the required effluent sampling frequency from 2/month to 1/week and the required instream sampling from</p>



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<p>1. To ensure the integrity of the pond structure is not jeopardized if the pond water is drawn down too quickly, the permit should specify the drawdown rate during dewatering operations. We recommend you confer with Georgia's Dam Safety Department to determine the maximum draw down rate to ensure stability during releases.</p> <p>2. To ensure the integrity of the coal ash pond dams, EPD should set a daily drawdown limit and incorporate an anticipated drawdown rate in the Permit at Part II.C.2.</p>	<p>1/month to 2/month in the approved Plant Branch Coal Ash Dewatering Plan.</p> <p>EPD provided comments to the permittee regarding the inclusion of drawdown rates within the Coal Ash Dewatering Plan for Plant Branch. EPD approved a revised Plan which limits the ash pond draw-down at a rate of no greater than one foot per week or a rate to ensure structural integrity of the impoundment as determined by the Dam Safety Engineer.</p>
<p>1. For the emergency ash pond outfalls (004, 005, &amp; 006), the permit should specify the rainfall event for which the discharges will be authorized. The permit application states that the emergency ponds are designed to retain the 100Y24H storm, so we recommend the permit only allow discharges from these ponds during those storm events. Monitoring during discharge should include metals/pollutants commonly found in ash pond effluents: TDS, Cu, Se, As, Hg, Cr, Pb, Cd, Zn, Ni, and hardness.</p> <p>2. In all the conversation surrounding the testing of effluent from the WTP, there was no mention of testing the effluent from the 3 emergency outflows. I would like to see the plan include a schema for monitoring those outflows as well.</p>	<p>EPD has added language to specify the conditions when it may be appropriate to discharge from the emergency ash ponds (outfall nos. 04, 05, and 06). EPD believes there are several possible scenarios of which there should be discharges from the emergency outfalls, (1) a rainfall event that meets the 100 year, 24 hour storm event criteria, (2) several continuous or intermittent days of rainfall that may cause harm or jeopardize the stability of the impoundments and (3) unforeseen catastrophic weather events.</p> <p>EPD believes restricting the use of the emergency outfalls to only a 100 year, 24 hour storm event is unreasonable and too restrictive due to the specific types of weather events that can and have occurred in Georgia. EPD has included the following language in the proposed permit,</p>

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<p>3. Currently, EPD requires monitoring of only flow (which may be estimated), total suspended solids, and oil &amp; grease. This list should include pollutants known to be present in coal ash and coal ash pond wastewater, including at a minimum: total dissolved solids, arsenic, beryllium, bromide, cadmium, chromium, copper, lead, mercury, nickel, selenium, and zinc. EPD already plans to require monitoring of many of these pollutants during ash pond dewatering (with the exception of bromide). EPD should likewise require Georgia Power to monitor for these same pollutants anytime it is discharging from coal ash ponds, as the wastewater will likely contain these constituents.</p>	<p>“Discharges from this outfall shall consist of emergency overflows only. There shall be no discharge from the outfall except when an emergency presents, such as excessive rainfall that meets the 100 year, 24 hour storm water criteria, several continuous or intermittent days of excessive rainfall that may adversely impact the stability of the impoundments or unforeseen catastrophic weather events.”</p> <p>Additionally, EPD has added monitoring requirements for total dissolved solids; copper, total; selenium, total; arsenic, total; mercury, total; chromium, total; lead, total; cadmium, total; zinc, total; and nickel, total, applicable only when there is a discharge from the emergency outfalls.</p>
<p>1. Sampling during an emergency discharge should be at least once daily during the first hour of the discharge (or some other specified time frame).</p> <p>2. Commenters request that EPD amend the Draft Permit at Part I.A.2 to clarify that monitoring is required at least once per day when a discharge is occurring.</p>	<p>EPD has revised the sampling frequency from “2/month” to “once per day when discharging.”</p>
<p>For compliance purposes, the permit should specify how flow will be estimated for all outfalls.</p>	<p>EPD has included footnotes to specify how “estimated” and “calculated” may be determined. The following language has been added, “best engineering practices or pump capacity/run times will be used to estimate the flow, and the specific methodology will be documented on site.”</p>

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<p>The permit requires the permittee to perform routine inspections of the dike walls/berm; however, because there may be seeps which occur below the dike berms, we recommend the plan also require inspections for seepages from the ash pond which may be hydrologically connected to waters of the State. In which case, such discharges would need to be covered under an NPDES permit.</p>	<p>To date, EPD does not have any information indicating there are seeps which occur below the dike berms at Plant Branch, nor does EPD have information indicating that a seep would be hydrologically connected to waters of the State. Routine inspection of the dike walls/berm, etc. is to ensure coal ash pond impoundment integrity and that includes identifying areas of possible seepage.</p> <p>At this time, based on current information, EPD does not believe additional language is necessary when there is currently no indication of seeps present.</p> <p>If during the permit term EPD believes there are unpermitted discharges to waters of the State, EPD will take appropriate actions.</p>
<p>Based on the flow schematic, all outfalls are inter-connected, which means all outfalls have the ability to discharged ash pond effluent commingled with storm water. Per 40 CFR 423. 12 (b)(12), “In the event that waste streams from various sources are combined for treatment or discharge, the quantity for each pollutant or pollutant property controlled in paragraphs (b)(1) through (b)(11) of this section attributable to each controlled waste source shall not exceed the specified limitations for that waste stream.” As such, the final limitations for all the outfalls must be adjusted to address commingling with storm water. Please refer to the attached EPA memo for how the re-calculated limits should be performed.</p>	<p>The 1985 memo references co-treatment facilities with sufficient capacity and co-treatment facilities without sufficient capacity. To be considered as having “sufficient capacity” the free water volume (the volume between the top of the sediment level and the minimum discharge elevation) of the ash pond must be greater than the sum of:</p> <ol style="list-style-type: none"> <li>1) Rainfall directly on the entire pond area from a 10-year, 24-hour rainfall event</li> <li>2) All rainfall related flows to the facility resulting from the 10y24h rainfall</li> <li>3) Maximum dry weather waste stream flows to the facility</li> </ol>

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	<p>over a 24-hour period, and</p> <p>4) Solids added to the sediment level of the co-treatment facility during the term of the permit.</p> <p>If a facility has “sufficient capacity” this will generally assure compliance with BPT, BAT, and NSPS requirements of 40 CFR 423 for both plant wastes and runoff flows. Then flow-weighted dry weather limitations are appropriate during wet weather conditions.</p> <p>The ash ponds at Plant Branch are designed for 100y24h rainfall events and have large free water volumes which should ensure that the facility has “sufficient capacity”.</p>