

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 Yates. The facility is located in Newnan, Coweta 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 impoundment “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 Yates 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 Yates – 708 Dyer Road, Newnan, GA 30263
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 Plant Yates Coal Combustion Residuals (“CCR”) surface impoundment (“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-2 for the treatment of certain 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 regulation, *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 Yates

Located on 2,400 acres in Newnan, Georgia, Plant Yates was once a seven-unit, coal-fired electric generating facility; however, no coal is burned at the site today. Plant Yates Units 1-5 have been decommissioned and are currently in final stages of being demolished. Units 6 and 7 were converted to natural gas in 2015.

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 Yates 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 for treatment non-CCR wastestreams, including industrial stormwater, into AP-2 at Plant Yates until October 31, 2020 and close the ash pond in accordance with 40 C.F.R. § 257.102. As noted below, the non-CCR wastewater streams covered by this variance request includes industrial stormwater managed in 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 has ceased sending CCR wastewater streams to AP-2 and is scheduled to cease sending process flows (non-CCR wastewater streams including cooling water and low volume wastewater) to AP-2 at Plant Yates by April 17, 2019. Georgia Power has several projects on-going at Plant Yates to cease sending these process flows that support the operation of Units 6 and 7 to AP-2 by this date.

Because the operational footprint of the plant is upgradient of AP-2, during rain events, large volumes of stormwater from the plant site drain to AP-2 where they are managed in compliance with the Plant Yates National Pollutant Discharge Elimination System (“NPDES”) permit. Projects are underway to allow the significant industrial stormwater flows to be intercepted and temporarily rerouted to manage stormwater coming into AP-2 and to support the closure of the ash pond. The closure plan for AP-2 is to close by removal. The closure includes the installation of a dike to divide the pond into two sections (AP-2 East and AP-2 West). Following ash removal, AP-2 East will be repurposed as a low volume wastewater pond where it will be used in compliance with Plant Yates NPDES permit to support plant operations and manage stormwater.

At the same time, and as the ash pond closure process for AP-2 moves forward, Georgia Power will begin the process of dewatering AP-2 in accordance with the EPD approved dewatering



plant for Plant Yates. The Plant Yates dewatering plan details the design of the enhanced water treatment system and controls that will be used during the process to ensure continued compliance with the NPDES permit and protection of water quality standards. In addition, the dewatering plan requires supplemental monitoring and implements additional reporting requirements to EPD throughout the process.

Even with the process changes at Plant Yates, Georgia Power requires additional time to complete certain projects associated with terminating the non-CCR wastewater streams to AP-2. At this point, given the technical and physical challenges associated with the rerouting of industrial stormwater flows at Plant Yates, it is not possible to complete the projects at Plant Yates necessary to cease sending industrial stormwater to 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-2 and other ponds at Plant Yates. Under the closure plan, Georgia Power will close AP-2 by removal. Once the ash has been removed, the former ash pond will be repurposed to a low volume wastewater pond to continue to support operations for Units 6 and 7, which are fired by natural gas. However, this requested variance covering non-CCR wastewater streams will not disrupt the plans or timeline for final closure of AP-2 or other ash ponds at Plant Yates. Throughout the closure process, Plant Yates will remain in compliance with its NPDES permit for 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 Yates AP-2 and for non-CCR wastewater water streams, including industrial stormwater. The variance would require Georgia Power to cease sending non-CCR wastewater streams at Plant Yates to 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,

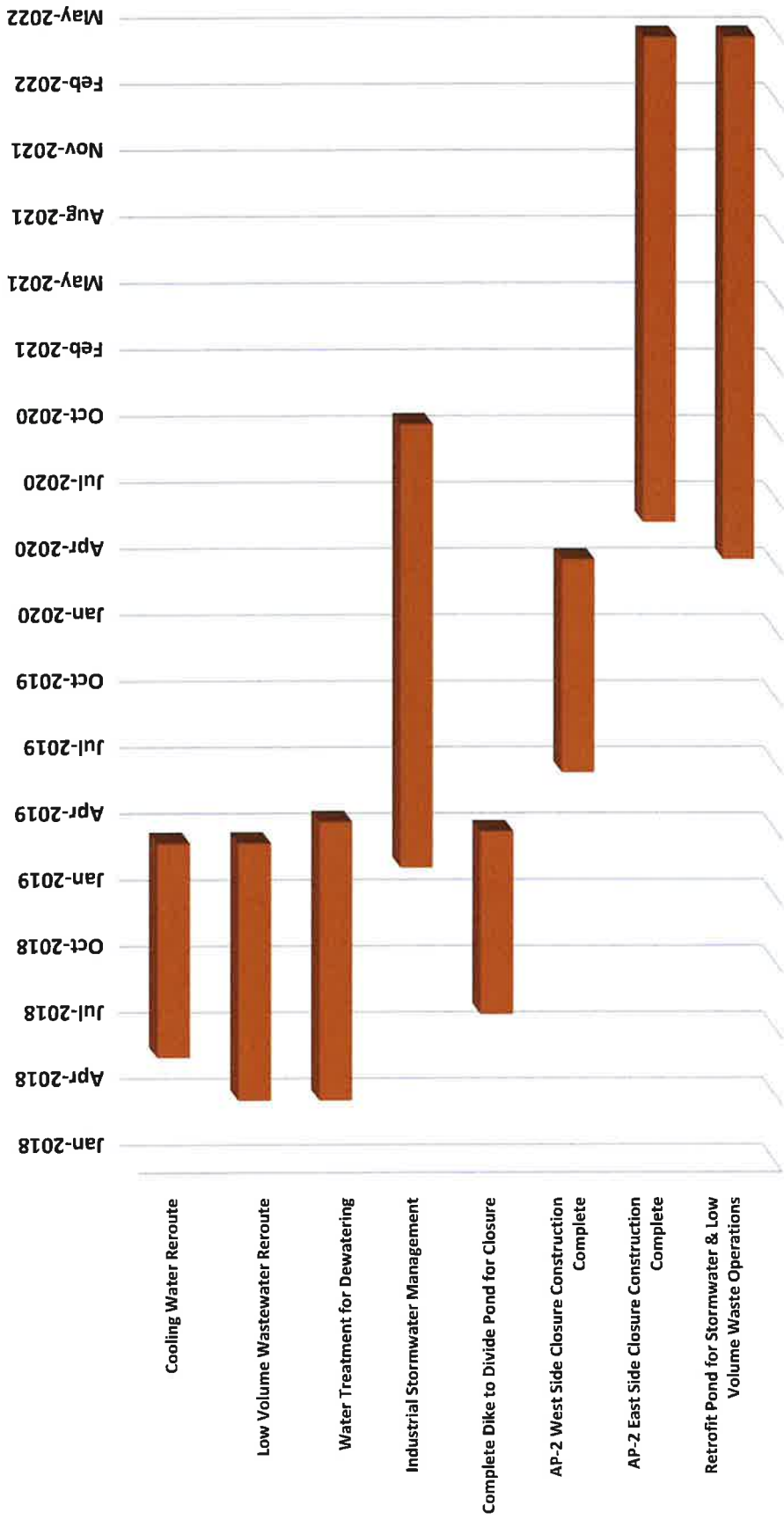
A handwritten signature in blue ink that reads "Aaron D. Mitchell".

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 Yates



Note: Plant Yates converted to natural gas and ceased producing CCR in April 2015.