LANCE R. LEFLEUR
DIRECTOR

KAY IVEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov
1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

APRIL 14, 2023

MS SUSAN COMENSKY
VP ENVIRONMENTAL AFFAIRS
ALABAMA POWER COMPANY
POST OFFICE BOX 2641 BIN 12N-0830
BIRMINGHAM ALABAMA 35291

RE: DRAFT PERMIT
NPDES PERMIT NUMBER AL0003140

Dear Ms. Comensky:

Transmitted herein is a draft of the referenced permit.

We would appreciate your comments on the permit within **30 days** of the date of this letter. Please direct any comments of a technical or administrative nature to the undersigned.

By copy of this letter and the draft permit, we are also requesting comments within the same time frame from EPA.

Our records indicate that have utilized the Department's web-based electronic environmental (E2) reporting system for submittal of discharge monitoring reports (DMRs). The Department transitioned from the E2 Reporting System to the Alabama Environmental Permitting and Compliance System (AEPACS) for the submittal of DMRs on November 15, 2021. AEPACS is an electronic system that allows facilities to apply for and maintain permits as well as submit other required applications, registrations, and certifications. In addition, the system allows facilities to submit required compliance reports or other information to the Department. The Department has used the E2 User account information to set up a similar User Profile in AEPACS based on the following criteria:

1. The user has logged in to E2 since October 1, 2019; and
2. The E2 user account is set up using a unique email address.

E2 users that met the above criteria will only need to establish an ADEM Web Portal account (https://prd.adem.alabama.gov/awp) under the same email address as their E2 account to have the same permissions in AEPACS as they did in E2. They will also automatically be linked to the same facilities they were in E2.

The Alabama Department of Environmental Management encourages you to voluntarily consider pollution prevention practices and alternatives at your facility. Pollution Prevention may assist you in complying with effluent limitations, and possibly reduce or eliminate monitoring requirements.

If you have questions regarding this permit or monitoring requirements, please contact Theo Pinson by e-mail at **tpinson@adem.alabama.gov** or by phone at **(334) 274-4202.**

Sincerely,

Scott Ramsey, Chief
Industrial Section
Industrial/Municipal Branch
Water Division

Enclosure: Draft Permit

pc via website: Montgomery Field Office
EPA Region IV
U.S. Fish & Wildlife Service
AL Historical Commission
Advisory Council on Historic Preservation
Department of Conservation and Natural Resources

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)

Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)

ADEM
Alabama Department of Environmental Management

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

PERMITTEE: ALABAMA POWER COMPANY

FACILITY LOCATION: E.C. GASTON STEAM ELECTRIC PLANT
ALABAMA HIGHWAY 25 SOUTH
WILSONVILLE, ALABAMA 35186

PERMIT NUMBER: AL0003140

RECEIVING WATERS:

DSN001:	COOSA RIVER
DSN002:	COOSA RIVER
DSN042:	COOSA RIVER
DSN043:	COOSA RIVER
DSN013:	COOSA RIVER
DSN019:	YELLOWLEAF CREEK
DSN020:	YELLOWLEAF CREEK
DSN025:	YELLOWLEAF CREEK
DSN028:	COOSA RIVER
DSN029:	COOSA RIVER

*In accordance with and subject to the provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1388 (the "FWPCA"), the Alabama Water Pollution Control Act, as amended, **Code of Alabama 1975**, §§ 22-22-1 to 22-22-14 (the "AWPCA"), the Alabama Environmental Management Act, as amended, **Code of Alabama 1975**, §§22-22A-1 to 22-22A-17, and rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the Permittee is hereby authorized to discharge into the above-named receiving waters.*

ISSUANCE DATE: APRIL 1, 2020

EFFECTIVE DATE: APRIL 1, 2020

MODIFICATION ISSUANCE DATE:

MODIFICATION EFFECTIVE DATE:

EXPIRATION DATE: MARCH 31, 2025

DRAFT

Alabama Department of Environmental Management

INDUSTRIAL SECTION
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

TABLE OF CONTENTS

PART I DISCHARGE LIMITATIONS, CONDITIONS, AND REQUIREMENTS

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN0011: Once through cooling water and fire protection system waters 3/
DSN0021: Once through cooling water and fire protection system waters 3/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS 1/		
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/	Sample Type	Seasonal
Temperature, Water Deg. Fahrenheit 4/ Stage Code: O	-	-	-	90.0 F	REPORT F 5/	Continuous 6/	Recorder or Grab	June - September
Temperature, Water Deg. Fahrenheit 4/ Stage Code: P	-	-	-	93.0 F	REPORT F 5/	Continuous 6/	Recorder or Grab	June - September
Temperature, Water Deg. Fahrenheit Effluent Gross Value	-	-	-	REPORT F	REPORT F 5/	Continuous 6/	Recorder or Grab	-
Temperature, Water Deg. Fahrenheit Intake from Stream	-	-	-	REPORT F	REPORT F 5/	Continuous 6/	Recorder or Grab	-
Flow, In Conduit or Thru Treatment Plant	REPORT MGD	REPORT MGD	-	-	-	Daily	Pump Log	-
Chlorine, Total Residual 7/ 8/	-	-	-	0.012 mg/l	0.016 mg/l	Daily	Grab	-
Chlorination Duration 7/ 8/	-	120.0 min/day	-	-	-	Daily	Measured	-

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ The thermal discharge shall not cause the increase of the Coosa River water temperature above the following: (A) 90°F, as measured at a depth of 5 feet at a distance of 1500 yards downstream of Outfall DSN002 near the east bank (Stage Code O); (B) 93°F, as measured at a depth of 5 feet directly across the Coosa River from Outfall DSN002 (Stage Code P).

5/ Not withstanding the provisions of Part III.H.9, here and after "Daily Maximum" as it applies to temperature means the maximum daily average value.

6/ "Continuous" as it applies to temperature shall mean either a minimum of one grab sample taken every 4 hours or a recorded measurement taken at least every 15 minutes.

7/ Total residual chlorine may not be discharged from any single generating unit for more than two hours per day unless the discharger demonstrates to the permitting authority that discharge for more than two hours is required for macroinvertebrate control. Simultaneous multi-unit chlorination is permitted. Sampling is required only during chlorination.

8/ A measurement of Total Residual Chlorine below 0.05 mg/L shall be considered in compliance with the permit limitations and should be reported as NODI=B or *B on the discharge monitoring report.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN0042: Discharges from the wastewater management pond including the ash pond dewatering treatment system, ash pond dewatering and decanting wastewaters, legacy wastewaters, low volume wastewaters, post carbon capture low volume wastewaters, FGD wastewaters, miscellaneous cooling waters, cooling tower blowdown, coal pile runoff, chemical metal cleaning wastes, sanitary wastewaters, landfill leachate, RSCC System overflow, fire protection system waters, and stormwater runoff associated with power plant operations 3/ 5/ 6/ 7/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS 1/		
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/ 4/	Sample Type	Seasonal
Turbidity	-	-	-	REPORT NTU	REPORT NTU	2X Monthly	Measured	-
pH	-	-	6.0 S.U.	-	9.0 S.U.	2X Monthly	Grab	-
Solids, Total Suspended	-	-	-	25.2 mg/l	73.7 mg/l	2X Monthly	Grab	-
Oil & Grease	-	-	-	11.0 mg/l	15.0 mg/l	2X Monthly	Grab	-
Nitrogen, Organic Total (As N)	-	-	-	REPORT mg/l	REPORT mg/l	2X Monthly	Composite	-
Nitrogen, Ammonia Total (As N)	-	-	-	REPORT mg/l	REPORT mg/l	2X Monthly	Composite	-
Nitrogen, Kjeldahl Total (As N)	REPORT lbs/day	REPORT lbs/day	-	REPORT mg/l	REPORT mg/l	2X Monthly	Composite	April – October
Nitrite Plus Nitrate Total 1 Det. (As N)	REPORT lbs/day	REPORT lbs/day	-	REPORT mg/l	REPORT mg/l	2X Monthly	Composite	April – October

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ Twice per month monitoring shall be conducted so that two samples are collected in the same month at least 10 days apart.

5/ Following the Permittee's submission of notification of completion of dewatering activities, the Permittee may submit a request to the Water Division to discontinue all monitoring requirements applicable to Outfall DSN0042 (Permit Pages 2, 3, & 4). Monitoring may be discontinued after the Permittee receives written confirmation from the Water Division that the aforementioned monitoring requirements are no longer applicable. At that time, the Outfall DSN0043 requirements will become applicable. After monitoring is no longer applicable, *9 should be reported on the eDMR.

6/ See Part IV.F for Ash Pond Dewatering Plan Requirements.

7/ The Permittee shall submit written notification to the Department prior to commencing dewatering activities.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN0042 (continued): Discharges from the wastewater management pond including the ash pond dewatering treatment system, ash pond dewatering and decanting wastewaters, legacy wastewaters, low volume wastewaters, post carbon capture low volume wastewaters, FGD wastewaters, miscellaneous cooling waters, cooling tower blowdown, coal pile runoff, chemical metal cleaning wastes, sanitary wastewaters, landfill leachate, RSCC System overflow, fire protection system waters, and stormwater runoff associated with power plant operations. 3/ 5/ 6/ 7/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS 1/				
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/ 4/	Sample Type	Seasonal
Phosphorus, Total (As P)	REPORT lbs/day	REPORT lbs/day	-	0.25 mg/l	REPORT mg/l	2X Monthly	Composite	April – October
Cadmium, Total (As Cd) 8/	-	-	-	REPORT mg/l	REPORT mg/l	2X Monthly	Grab	-
Chromium, Total (As Cr) 8/	-	-	-	REPORT mg/l	REPORT mg/l	2X Monthly	Grab	-
Copper, Total (As Cu) 8/	-	-	-	REPORT mg/l	REPORT mg/l	2X Monthly	Grab	-
Lead, Total (As Pb) 8/	-	-	-	REPORT mg/l	REPORT mg/l	2X Monthly	Grab	-
Nickel, Total (As Ni) 8/	-	-	-	REPORT mg/l	REPORT mg/l	2X Monthly	Grab	-
Zinc, Total (As Zn) 8/	-	-	-	REPORT mg/l	REPORT mg/l	2X Monthly	Grab	-
Selenium, Total (As Se) 8/	-	-	-	REPORT mg/l	REPORT mg/l	2X Monthly	Grab	-

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ Twice per month monitoring shall be conducted so that two samples are collected in the same month at least 10 days apart.

5/ Following the Permittee's submission of notification of completion of dewatering activities, the Permittee may submit a request to the Water Division to discontinue all monitoring requirements applicable to Outfall DSN0042 (Permit Pages 2, 3, & 4). Monitoring may be discontinued after the Permittee receives written confirmation from the Water Division that the aforementioned monitoring requirements are no longer applicable. At that time, the Outfall DSN0043 requirements will become applicable. After monitoring is no longer applicable, *9 should be reported on the eDMR.

6/ See Part IV.F for Ash Pond Dewatering Plan Requirements.

7/ The Permittee shall submit written notification to the Department prior to commencing dewatering activities.

8/ For the purpose of demonstration of compliance with this parameter, "Total" and "Total Recoverable" shall be considered equivalent.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN0042 (continued): Discharges from the wastewater management pond including the ash pond dewatering treatment system, ash pond dewatering and decanting wastewaters, legacy wastewaters, low volume wastewaters, post carbon capture low volume wastewaters, FGD wastewaters, miscellaneous cooling waters, cooling tower blowdown, coal pile runoff, chemical metal cleaning wastes, sanitary wastewaters, landfill leachate, RSCC System overflow, fire protection system waters, and stormwater runoff associated with power plant operations 3/ 5/ 6/ 7/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS 1/				
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/ 4/	Sample Type	Seasonal
Arsenic, Trivalent Dissolved	-	-	-	0.02075 mg/l	REPORT mg/l	2X Monthly	Grab	-
Flow, In Conduit or Thru Treatment Plant	REPORT MGD	REPORT MGD	-	-	-	Daily	Recorder	-
Chlorine, Total Residual	-	-	-	0.7 mg/l	1.0 mg/l	2X Monthly	Grab	-
E. Coli	-	-	-	REPORT col/100mL	REPORT col/100mL	2X Monthly	Grab	-
Solids, Total Dissolved	-	-	-	REPORT mg/l	REPORT mg/l	2X Monthly	Grab	-
Mercury, Total (As Hg) 8/	-	-	-	REPORT mg/l	REPORT mg/l	2X Monthly	Grab	-
Iron, Total (As Fe) 8/	-	-	-	REPORT mg/l	REPORT mg/l	2X Monthly	Grab	-
BOD, Carbonaceous 05 Day, 20C	-	-	-	REPORT mg/l	REPORT mg/l	2X Monthly	Composite	-

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ Twice per month monitoring shall be conducted so that two samples are collected in the same month at least 10 days apart.

5/ Following the Permittee's submission of notification of completion of dewatering activities, the Permittee may submit a request to the Water Division to discontinue all monitoring requirements applicable to Outfall DSN0042 (Permit Pages 2, 3, & 4). Monitoring may be discontinued after the Permittee receives written confirmation from the Water Division that the aforementioned monitoring requirements are no longer applicable. At that time, the Outfall DSN0043 requirements will become applicable. After monitoring is no longer applicable, *9 should be reported on the eDMR.

6/ See Part IV.F for Ash Pond Dewatering Plan Requirements.

7/ The Permittee shall submit written notification to the Department prior to commencing dewatering activities.

8/ For the purpose of demonstration of compliance with this parameter, "Total" and "Total Recoverable" shall be considered equivalent.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN042T: Discharges from the wastewater management pond including the ash pond dewatering treatment system, ash pond dewatering and decanting wastewaters, legacy wastewaters, low volume wastewaters, post carbon capture low volume wastewaters, FGD wastewaters, miscellaneous cooling waters, cooling tower blowdown, coal pile runoff, chemical metal cleaning wastes, sanitary wastewaters, landfill leachate, RSCC System overflow, fire protection system waters, and stormwater runoff associated with power plant operations 3/ 5/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS 1/		
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/	Sample Type	Seasonal
Toxicity, Ceriodaphnia Chronic 4/	-	0 pass(0)/fail(1)	-	-	-	Quarterly	Composite	-
Toxicity, Pimephales Chronic 4/	-	0 pass(0)/fail(1)	-	-	-	Quarterly	Composite	-

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

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2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ See Part IV.D for Chronic Effluent Toxicity Limitations and Biomonitoring Requirements.

5/ Following the Permittee's submission of notification of completion of dewatering activities, the Permittee may submit a request to the Water Division to discontinue all monitoring requirements applicable to Outfall DSN042T. Monitoring may be discontinued after the Permittee receives written confirmation from the Water Division that the aforementioned monitoring requirements are no longer applicable. At that time, the Outfall DSN043T requirements will become applicable. After monitoring is no longer applicable, *9 should be reported on the eDMR.

During the period beginning after ash pond closure and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN0043: Discharges from the wastewater management pond including low volume wastewaters, post carbon capture low volume wastewaters, FGD wastewaters, miscellaneous cooling waters, cooling tower blowdown, coal pile runoff, chemical metal cleaning wastes, sanitary wastewaters, landfill leachate, RSCC System overflow, fire protection system waters, and stormwater runoff associated with power plant operations 3/ 4/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS 1/		
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/	Sample Type	Seasonal
pH	-	-	6.0 S.U.	-	9.0 S.U.	Monthly	Grab	-
Solids, Total Suspended	-	-	-	24.4 mg/l	69.4 mg/l	Monthly	Composite	-
Oil & Grease	-	-	-	11.0 mg/l	15.0 mg/l	Monthly	Grab	-
Nitrogen, Ammonia Total (As N)	-	-	-	-	REPORT mg/l	Monthly	Composite	-
Nitrogen, Kjeldahl Total (As N)	-	REPORT lbs/day	-	-	REPORT mg/l	Monthly	Composite	April – October
Nitrite Plus Nitrate Total 1 Det. (As N)	-	REPORT lbs/day	-	-	REPORT mg/l	Monthly	Composite	April – October
Phosphorus, Total (As P)	REPORT lbs/day	REPORT lbs/day	-	0.25 mg/l	REPORT mg/l	Monthly	Composite	April – October
Arsenic, Trivalent Dissolved	-	-	-	0.0245 mg/l	REPORT mg/l	Monthly	Grab	-

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ Following the Permittee's submission of notification of completion of dewatering activities, the Permittee may submit a request to the Water Division to discontinue all monitoring requirements applicable to Outfall DSN0042 (Permit Pages 2, 3, & 4). After approval, the Outfall DSN0043 requirements will become applicable (Permit Pages 6 & 7). Before monitoring is applicable, *9 should be reported on the eDMR.

During the period beginning after ash pond closure and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN0043 (continued): Discharges from the wastewater management pond including low volume wastewaters, post carbon capture low volume wastewaters, FGD wastewaters, miscellaneous cooling waters, cooling tower blowdown, coal pile runoff, chemical metal cleaning wastes, sanitary wastewaters, landfill leachate, RSCC System overflow, fire protection system waters, and stormwater runoff associated with power plant operations 3/ 4/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS 1/		
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/	Sample Type	Seasonal
Flow, In Conduit or Thru Treatment Plant	REPORT MGD	REPORT MGD	-	-	-	Daily	Recorder	-
Chlorine, Total Residual	-	-	-	0.7 mg/l	1.0 mg/l	Monthly	Grab	-
E. Coli	-	-	-	-	REPORT col/100mL	Monthly	Grab	-
BOD, Carbonaceous 05 Day, 20C	-	-	-	-	REPORT mg/l	Monthly	Composite	-

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

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3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ Following the Permittee's submission of notification of completion of dewatering activities, the Permittee may submit a request to the Water Division to discontinue all monitoring requirements applicable to Outfall DSN0042 (Permit Pages 2, 3, & 4). After approval, the Outfall DSN0043 requirements will become applicable (Permit Pages 6 & 7). Before monitoring is applicable, *9 should be reported on the eDMR.

During the period beginning after ash pond closure and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN043T: Discharges from the wastewater management pond including low volume wastewaters, post carbon capture low volume wastewaters, FGD wastewaters, miscellaneous cooling waters, cooling tower blowdown, coal pile runoff, chemical metal cleaning wastes, sanitary wastewaters, landfill leachate, RSCC System overflow, fire protection system waters, and stormwater runoff associated with power plant operations 3/ 5/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS 1/		
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/	Sample Type	Seasonal
Toxicity, Ceriodaphnia Chronic 4/	-	0 pass(0)/fail(1)	-	-	-	Annually	Composite	-
Toxicity, Pimephales Chronic 4/	-	0 pass(0)/fail(1)	-	-	-	Annually	Composite	-

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ See Part IV.D for Chronic Effluent Toxicity Limitations and Biomonitoring Requirements.

5/ Following the Permittee's submission of notification of completion of dewatering activities, the Permittee may submit a request to the Water Division to discontinue all monitoring requirements applicable to Outfall DSN042T. After approval, the Outfall DSN043T requirements will become applicable. Before monitoring is applicable, *9 should be reported on the eDMR.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN04A1: Cooling Tower blowdown 3/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS 1/		
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/	Sample Type	Seasonal
Flow, In Conduit or Thru Treatment Plant	REPORT MGD	REPORT MGD	-	-	-	Daily	Calculated	-
Chlorine, Free Available	-	-	-	0.2 mg/l	0.5 mg/l	Monthly	Grab	-
Chlorination Duration 4/	-	120.0 min/day	-	-	-	Daily	Measured	-

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ Neither free available chlorine nor total residual chlorine may be discharged from any unit for more than two hours in any one day and not more than one unit may discharge free available or total residual chlorine at any one time unless the utility can demonstrate to the Department that the units in a particular location cannot operate at or below this level of chlorination.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN04AY: Cooling Tower blowdown 3/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS 1/				
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/	Sample Type	Seasonal
Chromium, Total (As Cr) 4/	-	-	-	0.2 mg/l	0.2 mg/l	Annually	Composite	-
Zinc, Total (As Zn) 4/	-	-	-	1.0 mg/l	1.0 mg/l	Annually	Composite	-
Priority Pollutants Total Effluent 5/ 6/	-	-	-	0 ug/l	0 ug/l	Annually	Grab	-
Annual Certification Statement 5/	-	-	-	-	0 Yes=0; No=1	Annually	Not Applicable	-

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ Monitoring and limitations for chromium and/or zinc are not applicable unless maintenance chemicals containing chromium and/or zinc are added to the cooling tower. *9 should be reported for both chromium and/or zinc to certify the non-use of maintenance chemicals containing either chromium and/or zinc.

5/ Priority Pollutants, except Zinc and Chromium, as defined by Appendix A of 40 CFR Part 423. Monitoring and limitations are not applicable unless maintenance chemicals containing any priority pollutants are added to the tower. A certification eDMR is now required to be submitted electronically instead of a separate statement if the Permittee is certifying the non-use of priority pollutants. To submit a certification statement, the certification statement parameter code should be marked "0" if maintenance chemicals containing any priority pollutants are not added to the tower during the monitoring period and the priority pollutants parameter code should be marked "*9". Alternately, compliance with these limitations may be determined by engineering calculations which demonstrate that the regulated pollutants added to the system for cooling tower maintenance are not detectable in the final discharge. Should the Permittee elect to demonstrate compliance by engineering calculations, "*9" should be marked for both the priority pollutants and the certification statement parameter code. The engineering calculations shall be made available to the Department upon request.

6/ 0 ug/l is defined as "Below Detectable Amount". "Detectable Amount" is defined as detectable using the lowest level MDL method listed in 40 CFR Part 136.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN04B1: Sanitary wastewaters 3/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS 1/		
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/ 4/	Sample Type	Seasonal
Solids, Total Suspended	-	-	-	30.0 mg/l	45.0 mg/l	2X Monthly	Composite	-
Flow, In Conduit or Thru Treatment Plant	REPORT MGD	REPORT MGD	-	-	-	2X Monthly	Instantaneous	-
BOD, Carbonaceous 05 Day, 20C	-	-	-	25.0 mg/l	40.0 mg/l	2X Monthly	Composite	-

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ Twice per month monitoring shall be conducted so that two samples are collected in the same month at least 10 days apart.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN04CY: Pretreated chemical metal cleaning wastes 3/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS 1/				
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum 5/	Monthly Average 5/	Daily Maximum 5/	Measurement Frequency 2/	Sample Type	Seasonal
pH	-	-	6.0 S.U.	-	10.5 S.U.	Daily	Grab	-
Copper, Total (As Cu)	-	-	-	1.0 mg/l	1.0 mg/l	Daily	Composite 6/	-
Iron, Total (As Fe)	-	-	-	1.0 mg/l	1.0 mg/l	Daily	Composite 6/	-
Flow, In Conduit or Thru Treatment Plant	-	REPORT MGD	-	-	-	Daily	Instantaneous	-

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ Chemical metal cleaning wastes means any wastewater resulting from chemical metal cleaning as defined and interpreted by EPA in 40 CFR Part 423.

5/ If more than one sampling event occurs during the annual reporting period, the greatest monthly average recorded during the annual monitoring period should be reported as the monthly average. The greatest daily maximum recorded during the annual monitoring period should be reported as the daily maximum. The smallest daily minimum recorded during the annual monitoring period should be reported as the daily minimum.

6/ Sample shall be taken using equal volume aliquots taken at 15 minute intervals over the time of the discharge.

Beginning no later than December 31, 2025 and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN04F1 Internal outfall to the wastewater management pond for Flue Gas Desulfurization (FGD) wastewater discharges subject to the Generally Applicable FGD ELGs, which may include bottom ash transport waters (BATW) utilized in the FGD scrubber 3/ 4/ 5/ 7/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS 1/		
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/	Sample Type	Seasonal
Nitrite Plus Nitrate Total 1 Det. (As N)	-	-	-	3 mg/l	4 mg/l	Monthly	Grab	-
Arsenic, Total (As As)	-	-	-	8 ug/l	18 ug/l	Monthly	Grab	-
Selenium, Total (As Se)	-	-	-	29 ug/l	70 ug/l	Monthly	Grab	-
Flow, In Conduit or Thru Treatment Plant	-	REPORT MGD	-	-	-	Monthly	Instantaneous	-
Mercury, Total (As Hg) 6/	-	-	-	34 ng/l	103 ng/l	Monthly	Grab	-

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ FGD Wastewaters are only authorized to be discharged from the operations of Unit 5. In accordance with Part I.E.2, only one of the four FGD wastewater compliance options shall be applicable to Unit 5 at any given time (except as specified in Part I.E.2.(d).iii.). If monitoring pursuant to the Generally Applicable FGD ELGs for FGD wastewater compliance is not applicable or required during the monitoring period, *9 should be reported on the eDMR.

5/ Should EPA promulgate new effluent limitation guidelines that affect the above noted limitations, the Department may reopen the permit to incorporate the requirements of a promulgated final rule.

6/ EPA Methods 245.7, 1631E, 1669, or alternative methods specifically approved by the Department, shall be used for the analysis of this parameter.

7/ In accordance with 40 CFR § 423.13(k)(1)(i), when BATW is used in the FGD scrubber, it ceases to be BATW, and instead is FGD wastewater, which must meet the requirements for FGD wastewaters that are applicable at that time.

Beginning no later than December 31, 2023 and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN04F2: Internal outfall to the wastewater management pond for Flue Gas Desulfurization (FGD) wastewater discharges subject to the requirements of Low Utilization Electric Generating Units FGD ELGs, which may include bottom ash transport waters (BATW) utilized in the FGD scrubber 3/ 4/ 5/ 7/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS 1/		
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/	Sample Type	Seasonal
Arsenic, Total (As As)	-	-	-	8 ug/l	11 ug/l	Monthly	Grab	-
Flow, In Conduit or Thru Treatment Plant	-	REPORT MGD	-	-	-	Monthly	Instantaneous	-
Mercury, Total (As Hg) 6/	-	-	-	356 ng/l	788 ng/l	Monthly	Grab	-

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ FGD Wastewaters are only authorized to be discharged from the operations of Unit 5. In accordance with Part I.E.2, only one of the four FGD wastewater compliance options shall be applicable to Unit 5 at any given time (except as specified in Part I.E.2.(d).iii.). If monitoring pursuant to the FGD wastewater requirements for Low Utilization Electric Generating Units FGD ELGs is not applicable or required during the monitoring period, *9 should be reported on the eDMR.

5/ Should EPA promulgate new effluent limitation guidelines that affect the above noted limitations, the Department may reopen the permit to incorporate the requirements of a promulgated final rule.

6/ EPA Methods 245.7, 1631E, 1669, or alternative methods specifically approved by the Department, shall be used for the analysis of this parameter.

7/ In accordance with 40 CFR § 423.13(k)(1)(i), when BATW is used in the FGD scrubber, it ceases to be BATW, and instead is FGD wastewater, which must meet the requirements for FGD wastewaters that are applicable at that time.

Beginning no later than December 31, 2028 and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN04F3: Internal outfall to the wastewater management pond for Flue Gas Desulfurization (FGD) wastewaters subject to the requirements of the Voluntary Incentives Program FGD ELGs which may include bottom ash transport waters (BATW) utilized in the FGD scrubber 3/ 4/ 5/ 7/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS 1/				
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/	Sample Type	Seasonal
Nitrite Plus Nitrate Total 1 Det. (As N)	-	-	-	1.2 mg/l	2 mg/l	Monthly	Grab	-
Arsenic, Total (As As)	-	-	-	-	5 ug/l	Monthly	Grab	-
Selenium, Total (As Se)	-	-	-	-	10 ug/l	Monthly	Grab	-
Flow, In Conduit or Thru Treatment Plant	-	REPORT MGD	-	-	-	Monthly	Instantaneous	-
Solids, Total Dissolved	-	-	-	149 mg/l	306 mg/l	Monthly	Grab	-
Bromide (As Br)	-	-	-	-	0.2 mg/l	Monthly	Grab	-
Mercury, Total (As Hg) 6/	-	-	-	10 ng/l	23 ng/l	Monthly	Grab	-

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ FGD Wastewaters are only authorized to be discharged from the operations of Unit 5. In accordance with Part I.E.2, only one of the four FGD wastewater compliance options shall be applicable to Unit 5 at any given time (except as specified in Part I.E.2.(d).iii.). If monitoring pursuant to the FGD wastewater requirements for the Voluntary Incentives Program FGD ELGs is not applicable or required during the monitoring period, *9 should be reported on the eDMR.

5/ Should EPA promulgate new effluent limitation guidelines that affect the above noted limitations, the Department may reopen the permit to incorporate the requirements of a promulgated final rule.

6/ EPA Methods 245.7, 1631E, 1669, or alternative methods specifically approved by the Department, shall be used for the analysis of this parameter.

7/ In accordance with 40 CFR § 423.13(k)(1)(i), when BATW is used in the FGD scrubber, it ceases to be BATW, and instead is FGD wastewater, which must meet the requirements for FGD wastewaters that are applicable at that time.

Beginning no later than December 31, 2025 and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN04G1: Internal outfall to the wastewater management pond for Bottom Ash Transport Water (BATW) subject to the Generally Applicable BATW ELGs 1/ 2/ 3/ 6/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS 1/		
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/	Sample Type	Seasonal
Discharge as % of Volume 3/ 4/	-	-	-	-	10.0 %	Daily	Calculated	-
Flow, In Conduit or Thru Treatment Plant 5/	REPORT MGD	REPORT MGD	-	-	-	Daily	Totalizer	-

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

1/ See Part I.E.2.c for Generally Applicable BATW ELGs requirements.

2/ BATW is only authorized to be discharged from the operations of Unit 1, Unit 2, Unit 3, Unit 4 and/or Unit 5. In accordance with Part I.E.2, only one of the three BATW compliance options shall be applicable to the discharges from Unit 1, Unit 2, Unit 3, Unit 4 and/or Unit 5 at any given time (except as specified in Part I.E.2.(d).iii.). If monitoring pursuant to the Generally Applicable BATW ELGs is not applicable or required during the monitoring period, *9 should be reported on the eDMR.

3/ The parameter "Discharge as % of Volume" means the volume of BATW discharged through Outfall DSN04G1 as a percentage of the "primary active wetted bottom ash system volume", as that term is defined in 40 CFR. § 423.11(aa). The total volume of BATW authorized to be discharged shall not exceed a 30-day rolling average of ten percent of the primary active wetted bottom ash system volume. The term "30-day rolling average" means the series of averages using the measured values of the preceding 30 days for each average in the series, as that term is defined in 40 CFR. § 423.11(dd). After the Permittee submits an initial certification statement in accordance with 40 CFR § 423.19(c) (if applicable), the Department may reopen the permit to incorporate more stringent requirements for the allowable percentage of the total primary active wetted bottom ash volume of BATW that may be discharged.

4/ The volume of daily discharges used to calculate the 30-day rolling average shall be calculated using measurements from flow monitors. The highest 30-day rolling average calculated during the monitoring period shall be reported as the daily maximum on the eDMR for the parameter "Discharge as % of Volume". The 30-day rolling average shall be calculated according to the following formula:

$$\frac{\text{[(The sum of the applicable 30 days' daily discharges, divided by 30 (the number of discharge days))]}}{\text{[Total Volume of Primary Active Wetted Bottom Ash System]}} \times 100\% = \text{30-day rolling average}$$

5/ The daily BATW flows during the monitoring period should be used to calculate the monthly average and daily maximum values reported for the parameter "Flow, In Conduit or Thru Treatment Plant".

6/ In accordance with 40 CFR § 423.13(k)(1)(i), when BATW is used in the FGD scrubber, it ceases to be BATW, and instead is FGD wastewater, which must meet the requirements for FGD wastewaters that are applicable at that time.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN019S: Cooling tower blowdown overflow, vehicle rinse waters, fire protection system waters, and stormwater runoff associated with power plant operations and from the C&D landfill 3/ 8/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS 1/				
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/	Sample Type	Seasonal
pH	-	-	6.0 S.U.	-	8.5 S.U.	Monthly	Grab	-
Chromium, Total (As Cr) 4/	-	-	-	0.2 mg/l	0.2 mg/l	Semi-Annual	Composite	-
Zinc, Total (As Zn) 4/	-	-	-	1.0 mg/l	1.0 mg/l	Semi-Annual	Composite	-
Priority Pollutants Total Effluent 5/ 6/	-	-	-	0 ug/l	0 ug/l	Semi-Annual	Grab	-
Flow, In Conduit or Thru Treatment Plant	REPORT MGD	REPORT MGD	-	-	-	Monthly	Estimate	-
Chlorine, Free Available 7/	-	-	-	0.2 mg/l	0.5 mg/l	Monthly	Grab	-

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ Monitoring and limitations for chromium and/or zinc are not applicable unless maintenance chemicals containing chromium and/or zinc are added to the cooling tower. *9 should be reported for both chromium and/or zinc to certify the non-use of maintenance chemicals containing either chromium and/or zinc.

5/ Priority Pollutants, except Zinc and Chromium, as defined by Appendix A of 40 CFR Part 423. Monitoring and limitations are not applicable unless maintenance chemicals containing any priority pollutants are added to the tower. A certification eDMR is now required to be submitted electronically instead of a separate statement if the Permittee is certifying the non-use of priority pollutants. To submit a certification statement, the certification statement parameter code should be marked "0" if maintenance chemicals containing any priority pollutants are not added to the tower during the monitoring period and the priority pollutants parameter code should be marked "*9". Alternately, compliance with these limitations may be determined by engineering calculations which demonstrate that the regulated pollutants added to the system for cooling tower maintenance are not detectable in the final discharge. Should the Permittee elect to demonstrate compliance by engineering calculations, "*9" should be marked for both the priority pollutants and the certification statement parameter code. The engineering calculations shall be made available to the Department upon request.

6/ 0 ug/l is defined as "Below Detectable Amount". "Detectable Amount" is defined as detectable using the lowest level MDL method listed in 40 CFR Part 136.

7/ Neither free available chlorine nor total residual chlorine may be discharged from any unit for more than two hours in any one day and not more than one unit may discharge free available or total residual chlorine at any one time unless the utility can demonstrate to the Department that the units in a particular location cannot operate at or below this level of chlorination.

8/ Monitoring for all DSN019S parameters is only required during months that cooling tower blowdown is discharged. If more than one sampling event occurs during the semiannual reporting period, the greatest monthly average recorded during the semiannual monitoring period should be reported as the monthly average. The greatest daily maximum recorded during the semiannual monitoring period should be reported as the daily maximum. The smallest daily minimum recorded during the semiannual monitoring period should be reported as the daily minimum.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN019S (Continued): Cooling tower blowdown overflow, vehicle rinse waters, fire protection system waters, and stormwater runoff associated with power plant operations and from the C&D landfill 3/ 4/ 5/ 6/ 8/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS 1/		
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average 5/	Daily Maximum	Measurement Frequency 2/	Sample Type	Seasonal
Chlorine, Total Residual 9/	-	-	-	-	0.019 mg/l	Monthly	Grab	-
Chlorination Duration 7/	-	120.0 min/day	-	-	-	Monthly	Measured	-
Semiannual Certification Statement 5/	-	-	-	-	0 Yes=0; No=1	Semi-Annual	Not Applicable	-

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ Monitoring and limitations for chromium and/or zinc are not applicable unless maintenance chemicals containing chromium and/or zinc are added to the cooling tower. *9 should be reported for both chromium and/or zinc to certify the non-use of maintenance chemicals containing either chromium and/or zinc.

5/ Priority Pollutants, except Zinc and Chromium, as defined by Appendix A of 40 CFR Part 423. Monitoring and limitations are not applicable unless maintenance chemicals containing any priority pollutants are added to the tower. A certification eDMR is now required to be submitted electronically instead of a separate statement if the Permittee is certifying the non-use of priority pollutants. To submit a certification statement, the certification statement parameter code should be marked "0" if maintenance chemicals containing any priority pollutants are not added to the tower during the monitoring period and the priority pollutants parameter code should be marked "*9". Alternately, compliance with these limitations may be determined by engineering calculations which demonstrate that the regulated pollutants added to the system for cooling tower maintenance are not detectable in the final discharge. Should the Permittee elect to demonstrate compliance by engineering calculations, "*9" should be marked for both the priority pollutants and the certification statement parameter code. The engineering calculations shall be made available to the Department upon request.

6/ 0 ug/l is defined as "Below Detectable Amount". "Detectable Amount" is defined as detectable using the lowest level MDL method listed in 40 CFR Part 136.

7/ Neither free available chlorine nor total residual chlorine may be discharged from any unit for more than two hours in any one day and not more than one unit may discharge free available or total residual chlorine at any one time unless the utility can demonstrate to the Department that the units in a particular location cannot operate at or below this level of chlorination.

8/ Monitoring for all DSN019S parameters is only required during months that cooling tower blowdown is discharged. If more than one sampling event occurs during the semiannual reporting period, the greatest monthly average recorded during the semiannual monitoring period should be reported as the monthly average. The greatest daily maximum recorded during the semiannual monitoring period should be reported as the daily maximum. The smallest daily minimum recorded during the semiannual monitoring period should be reported as the daily minimum.

9/ A measurement of Total Residual Chlorine below 0.05 mg/L shall be considered in compliance with the permit limitations and should be reported as NODI=B or *B on the discharge monitoring report.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN013Y: Intake screen backwash water bypass, fire protection system waters, and stormwater runoff associated with power plant operations 3/ 5/

DSN019Y: Cooling tower blowdown overflow, vehicle rinse waters, fire protection system waters, and stormwater runoff associated with power plant operations and from the C&D landfill 3/ 5/

DSN020Y: Vehicle rinse waters, fire protection system waters, and stormwater runoff associated with power plant operations 3/ 5/

DSN025Y: Intake screen backwash waters and fire protection system waters 3/ 5/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS 1/		
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/	Sample Type 4/	Seasonal
pH	-	-	REPORT S.U.	-	REPORT S.U.	Annually	Grab	-
Solids, Total Suspended	-	-	-	-	REPORT mg/l	Annually	Grab	-
Oil & Grease	-	-	-	-	15.0 mg/l	Annually	Grab	-
Flow, In Conduit or Thru Treatment Plant	-	REPORT MGD	-	-	-	Annually	Estimate	-

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.

5/ Monitoring is only required at Outfall DSN019Y.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN028S: Stormwater runoff from capped areas of the ash pond footprint that has not had contact with CCR materials; including fire protection system waters 3/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS 1/		
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/	Sample Type 4/	Seasonal
Turbidity	-	-	-	-	REPORT NTU	Semi-Annually	Measured	-
BOD, 5-Day (20 Deg. C)	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
pH	-	-	REPORT S.U.	-	REPORT S.U.	Semi-Annually	Grab	-
Solids, Total Suspended	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Oil & Grease	-	-	-	-	15.0 mg/l	Semi-Annually	Grab	-
Nitrogen, Organic Total (As N)	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Nitrogen, Ammonia Total (As N)	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Nitrogen, Kjeldahl Total (As N)	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN028S (continued): Stormwater runoff from capped areas of the ash pond footprint that has not had contact with CCR materials; including fire protection system waters 3/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS 1/		
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/	Sample Type 4/	Seasonal
Nitrite Plus Nitrate Total 1 Det. (As N)	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Phosphorus, Total (As P)	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Arsenic, Total Recoverable 5/	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Cadmium, Total (As Cd) 5/	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Chromium, Total (As Cr) 5/	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Copper, Total (As Cu) 5/	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Lead, Total (As Pb) 5/	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Nickel, Total (As Ni) 5/	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.

5/ For the purpose of demonstration of compliance with this parameter, "Total" and "Total Recoverable" shall be considered equivalent.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN028S (continued): Stormwater runoff from capped areas of the ash pond footprint that has not had contact with CCR materials; including fire protection system waters 3/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS 1/		
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/	Sample Type 4/	Seasonal
Zinc, Total (As Zn) 5/	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Selenium, Total (As Se) 5/	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Flow, In Conduit or Thru Treatment Plant	-	REPORT MGD	-	-	-	Semi-Annually	Estimate	-
Solids, Total Dissolved	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Mercury, Total (As Hg) 5/	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Iron, Total (As Fe) 5/	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

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2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.

5/ For the purpose of demonstration of compliance with this parameter, "Total" and "Total Recoverable" shall be considered equivalent.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN029S: Stormwater runoff from capped areas of the ash pond footprint that has not had contact with CCR materials; including fire protection system waters 3/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS 1/		
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/	Sample Type 4/	Seasonal
Turbidity	-	-	-	-	REPORT NTU	Semi-Annually	Measured	-
BOD, 5-Day (20 Deg. C)	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
pH	-	-	REPORT S.U.	-	REPORT S.U.	Semi-Annually	Grab	-
Solids, Total Suspended	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Oil & Grease	-	-	-	-	15.0 mg/l	Semi-Annually	Grab	-
Nitrogen, Organic Total (As N)	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Nitrogen, Ammonia Total (As N)	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Nitrogen, Kjeldahl Total (As N)	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-

THERE SHALL BE NO DISCHARGE OF POLYCHLORINATED BIPHENYL COMPOUNDS SUCH AS THOSE COMMONLY USED IN TRANSFORMER FLUID.

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN029S (continued): Stormwater runoff from capped areas of the ash pond footprint that has not had contact with CCR materials; including fire protection system waters 3/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS 1/		
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/	Sample Type 4/	Seasonal
Nitrite Plus Nitrate Total 1 Det. (As N)	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Phosphorus, Total (As P)	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Arsenic, Total Recoverable 5/	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Cadmium, Total (As Cd) 5/	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Chromium, Total (As Cr) 5/	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Copper, Total (As Cu) 5/	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Lead, Total (As Pb) 5/	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Nickel, Total (As Ni) 5/	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-

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THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

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2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.

5/ For the purpose of demonstration of compliance with this parameter, "Total" and "Total Recoverable" shall be considered equivalent.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN029S (continued): Stormwater runoff from capped areas of the ash pond footprint that has not had contact with CCR materials; including fire protection system waters 3/

Such discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS 1/		
EFFLUENT CHARACTERISTIC	Monthly Average	Daily Maximum	Daily Minimum	Monthly Average	Daily Maximum	Measurement Frequency 2/	Sample Type 4/	Seasonal
Zinc, Total (As Zn) 5/	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Selenium, Total (As Se) 5/	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Flow, In Conduit or Thru Treatment Plant	-	REPORT MGD	-	-	-	Semi-Annually	Estimate	-
Solids, Total Dissolved	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Mercury, Total (As Hg) 5/	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Iron, Total (As Fe) 5/	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-

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1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.

5/ For the purpose of demonstration of compliance with this parameter, "Total" and "Total Recoverable" shall be considered equivalent.

B. DISCHARGE MONITORING AND RECORD KEEPING REQUIREMENTS

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge and shall be in accordance with the provisions of this permit.

2. Test Procedures

For the purpose of reporting and compliance, permittees shall use one of the following procedures:

a. For parameters with an EPA established Minimum Level (ML), report the measured value if the analytical result is at or above the ML and report "0" for values below the ML. Test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and guidelines published pursuant to Section 304(h) of the FWPCA, 33 U.S.C. Section 1314(h). If more than one method for analysis of a substance is approved for use, a method having a minimum level lower than the permit limit shall be used. If the minimum level of all methods is higher than the permit limit, the method having the lowest minimum level shall be used and a report of less than the minimum level shall be reported as zero and will constitute compliance; however, should EPA approve a method with a lower minimum level during the term of this permit the permittee shall use the newly approved method.

b. For pollutants parameters without an established ML, an interim ML may be utilized. The interim ML shall be calculated as 3.18 times the Method Detection Level (MDL) calculated pursuant to 40 CFR Part 136, Appendix B.

Permittees may develop an effluent matrix-specific ML, where an effluent matrix prevents attainment of the established ML. However, a matrix specific ML shall be based upon proper laboratory method and technique. Matrix-specific MLs must be approved by the Department, and may be developed by the permittee during permit issuance, reissuance, modification, or during compliance schedule.

In either case the measured value should be reported if the analytical result is at or above the ML and "0" reported for values below the ML.

c. For parameters without an EPA established ML, interim ML, or matrix-specific ML, a report of less than the detection limit shall constitute compliance if the detection limit of all analytical methods is higher than the permit limit using the most sensitive EPA approved method. For the purpose of calculating a monthly average, "0" shall be used for values reported less than the detection limit.

The Minimum Level utilized for procedures A and B above shall be reported on the permittee's DMR. When an EPA approved test procedure for analysis of a pollutant does not exist, the Director shall approve the procedure to be used.

3. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

a. The facility name and location, point source number, date, time and exact place of sampling;

b. The name(s) of person(s) who obtained the samples or measurements;

c. The dates and times the analyses were performed;

d. The name(s) of the person(s) who performed the analyses;

e. The analytical techniques or methods used, including source of method and method number; and

f. The results of all required analyses.

4. Records Retention and Production

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the above reports or the application for this permit, for a period of at least three years from the date of the sample measurement, report or application. This period may be extended by request of the Director at any time. If litigation or other enforcement action, under the AWPCA and/or the FWPCA, is ongoing which involves any of the above records, the records shall be kept until the litigation is resolved. Upon the written request of the Director or his designee, the permittee shall provide the Director with a copy of any record required to be retained by this paragraph. Copies of these records shall not be submitted unless requested.

All records required to be kept for a period of three years shall be kept at the permitted facility or an alternate location approved by the Department in writing and shall be available for inspection.

5. Monitoring Equipment and Instrumentation

All equipment and instrumentation used to determine compliance with the requirements of this permit shall be installed, maintained, and calibrated in accordance with the manufacturer's instructions or, in the absence of manufacturer's instructions, in accordance with accepted practices. The permittee shall develop and maintain quality assurance procedures to ensure proper operation and maintenance of all equipment and instrumentation. The quality assurance procedures shall include the proper use, maintenance, and installation, when appropriate, of monitoring equipment at the plant site.

C. DISCHARGE REPORTING REQUIREMENTS

1. Reporting of Monitoring Requirements

a. The permittee shall conduct the required monitoring in accordance with the following schedule:

MONITORING REQUIRED MORE FREQUENTLY THAN MONTHLY AND MONTHLY shall be conducted during the first full month following the effective date of coverage under this permit and every month thereafter.

QUARTERLY MONITORING shall be conducted at least once during each calendar quarter. Calendar quarters are the periods of January through March, April through June, July through September, and October through December. The permittee shall conduct the quarterly monitoring during the first complete calendar quarter following the effective date of this permit and is then required to monitor once during each quarter thereafter. Quarterly monitoring may be done anytime during the quarter, unless restricted elsewhere in this permit, but it should be submitted with the last DMR due for the quarter, i.e., (March, June, September and December DMR's).

SEMIANNUAL MONITORING shall be conducted at least once during the period of January through June and at least once during the period of July through December. The permittee shall conduct the semiannual monitoring during the first complete calendar semiannual period following the effective date of this permit and is then required to monitor once during each semiannual period thereafter. Semiannual monitoring may be done anytime during the semiannual period, unless restricted elsewhere in this permit, but it should be submitted with the last DMR for the month of the semiannual period, i.e. (June and December DMR's).

ANNUAL MONITORING shall be conducted at least once during the period of January through December. The permittee shall conduct the annual monitoring during the first complete calendar annual period following the effective date of this permit and is then required to monitor once during each annual period thereafter. Annual monitoring may be done anytime during the year, unless restricted elsewhere in this permit, but it should be submitted with the December DMR.

b. The permittee shall submit discharge monitoring reports (DMRs) on the forms provided by the Department and in accordance with the following schedule:

REPORTS OF MORE FREQUENTLY THAN MONTHLY AND MONTHLY TESTING shall be submitted on a **quarterly** basis. The first report is due on the **28th day of July 2020.** The reports shall be submitted so that they are received by the Department no later than the 28th day of the month following the reporting period.

REPORTS OF QUARTERLY TESTING shall be submitted on a **quarterly** basis. The first report is due on the **28th day of July 2020.** The reports shall be submitted so that they are received by the Department no later than the 28th day of the month following the reporting period.

REPORTS OF SEMIANNUAL TESTING shall be submitted on a semiannual basis. The reports are due on the 28th day of JANUARY and the 28th day of JULY. The reports shall be submitted so that they are received by the Department no later than the 28th day of the month following the reporting period.

REPORTS OF ANNUAL TESTING shall be submitted on an annual basis. The first report is due on the 28th day of JANUARY. The reports shall be submitted so that they are received by the Department no later than the 28th day of the month following the reporting period.

c. Except as allowed by Provision I.C.1.c.(1) or (2), the permittee shall submit all Discharge Monitoring Reports (DMRs) required by Provision I.C.1.b electronically.

(1) If the permittee is unable to complete the electronic submittal of DMR data due to technical problems originating with the Department's electronic system (this could include entry/submittal issues with an entire set of DMRs or individual parameters), the permittee is not relieved of their obligation to submit DMR data to the Department by the date specified in Provision I.C.1.b, unless otherwise directed by the Department.

If the Department's electronic system is down on the 28th day of the month in which the DMR is due or is down for an extended period of time, as determined by the Department, when a DMR is required to be submitted, the permittee may submit the data in an alternate manner and format acceptable to the Department. Preapproved alternate acceptable methods include faxing, e-mailing, mailing, or hand-delivery of data such that they are received by the required reporting date. Within 5 calendar days of the Department's electronic system resuming operation, the permittee shall enter the data into the Department's electronic system, unless an alternate timeframe is approved by the Department. A comment should be included on the electronic DMR submittal verifying the original submittal date (date of the fax, copy of the dated e-mail, or hand-delivery stamped date), if applicable.

(2) The permittee may submit a request to the Department for a temporary electronic reporting waiver for DMR submittals. The waiver request should include the permit number; permittee name; facility/site name; facility address; name, address, and contact information for the responsible official or duly authorized representative; a detailed statement regarding the basis for requesting such a waiver; and the duration for which the waiver is requested. Approved electronic reporting waivers are not transferrable.

(3) If a permittee is allowed to submit a hard copy DMR, the DMR must be legible and bear an original signature. Photo and electronic copies of the signature are not acceptable and shall not satisfy the reporting requirements of this permit.

(4) If the permittee, using approved analytical methods as specified in Provision I.B.2, monitors any discharge from a point source for a limited substance identified in Provision I.A. of this permit more frequently than required by this permit, the results of such monitoring shall be included in the calculation and reporting of values on the DMR and the increased frequency shall be indicated on the DMR.

(5) In the event no discharge from a point source identified in Provision I.A. of this permit and described more fully in the permittee's application occurs during a monitoring period, the permittee shall report "No Discharge" for such period on the appropriate DMR.

d. All reports and forms required to be submitted by this permit, the AWPCA and the Department's Rules, shall be electronically signed (or, if allowed by the Department, traditionally signed) by a "responsible official" of the permittee as defined in ADEM Administrative Code Rule 335-6-6-.09 or a "duly authorized representative" of such official as defined in ADEM Administrative Code Rule 335-6-6-.09 and shall bear the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

e. Discharge Monitoring Reports required by this permit, the AWPCA, and the Department's Rules that are being submitted in hard copy shall be addressed to:

Alabama Department of Environmental Management
Water Division
Office of Water Services
Post Office Box 301463
Montgomery, Alabama 36130-1463

Certified and Registered Mail containing Discharge Monitoring Reports shall be addressed to:

Alabama Department of Environmental Management
Water Division
Office of Water Services
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

f. All other correspondence and reports required to be submitted by this permit, the AWPCA, and the Department's Rules shall be addressed to:

Alabama Department of Environmental Management
Water Division
Post Office Box 301463
Montgomery, Alabama 36130-1463

Certified and Registered Mail shall be addressed to:

Alabama Department of Environmental Management
Water Division
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

g. If this permit is a re-issuance, then the permittee shall continue to submit DMRs in accordance with the requirements of their previous permit until such time as DMRs are due as discussed in Part I.C.1.b above.

2. Noncompliance Notification

a. 24-Hour Noncompliance Reporting

The permittee shall report to the Director, within 24-hours of becoming aware of the noncompliance, any noncompliance which may endanger health or the environment. This shall include but is not limited to the following circumstances:

(1) does not comply with any daily minimum or maximum discharge limitation for an effluent characteristic specified in Provision I. A. of this permit which is denoted by an "(X)";

(2) threatens human health or welfare, fish or aquatic life, or water quality standards;

(3) does not comply with an applicable toxic pollutant effluent standard or prohibition established under Section 307(a) of the FWPCA, 33 U.S.C. Section 1317(a);

(4) contains a quantity of a hazardous substance which has been determined may be harmful to public health or welfare under Section 311(b)(4) of the FWPCA, 33 U.S.C. Section 1321(b)(4);

(5) exceeds any discharge limitation for an effluent characteristic as a result of an unanticipated bypass or upset; and

(6) is an unpermitted direct or indirect discharge of a pollutant to a water of the state (unpermitted discharges properly reported to the Department under any other requirement are not required to be reported under this provision).

The permittee shall orally report the occurrence and circumstances of such discharge to the Director within 24-hours after the permittee becomes aware of the occurrence of such discharge. In addition to the oral report, the permittee shall submit to the Director or Designee a written report as provided in Part I.C.2.c no later than five (5) days after becoming aware of the occurrence of such discharge.

b. If for any reason, the permittee's discharge does not comply with any limitation of this permit, the permittee shall submit to the Director or Designee a written report as provided in Part I.C.2.c below, such report shall be submitted with the next Discharge Monitoring Report required to be submitted by Part I.C.1 of this permit after becoming aware of the occurrence of such noncompliance.

c. Any written report required to be submitted to the Director or Designee by Part I.C.2 a. or b. shall be submitted using a Noncompliance Notification Form (ADEM Form 421) available on the Department's website (http://adem.alabama.gov/DeptForms/Form421.pdf) and include the following information:

(1) A description of the discharge and cause of noncompliance;

(2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(3) A description of the steps taken and/or being taken to reduce or eliminate the noncomplying discharge and to prevent its recurrence.

D. OTHER REPORTING AND NOTIFICATION REQUIREMENTS

1. Anticipated Noncompliance

The permittee shall give the Director written advance notice of any planned changes or other circumstances regarding a facility which may result in noncompliance with permit requirements.

2. Termination of Discharge

The permittee shall notify the Director, in writing, when all discharges from any point source(s) identified in Provision I. A. of this permit have permanently ceased. This notification shall serve as sufficient cause for instituting procedures for modification or termination of the permit.

3. Updating Information

a. The permittee shall inform the Director of any change in the permittee's mailing address, telephone number or in the permittee's designation of a facility contact or office having the authority and responsibility to prevent and abate violations of the AWPCA, the Department's Rules, and the terms and conditions of this permit, in writing, no later than ten (10) days after such change. Upon request of the Director or his designee, the permittee shall furnish the Director with an update of any information provided in the permit application.

b. If the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information with a written explanation for the mistake and/or omission.

4. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director or his designee may request to determine whether cause exists for modifying, revoking and re-issuing, suspending, or terminating this permit, in whole or in part, or to determine compliance with this permit.

5. Cooling Water and Boiler Water Additives

a. The permittee shall notify the Director in writing not later than thirty (30) days prior to instituting the use of any biocide corrosion inhibitor or chemical additive in a cooling or boiler system, not identified in the application for this permit, from which discharge is allowed by this permit. Notification is not required for additives that do not contain a heavy metal(s) as an active ingredient and that pass through a wastewater treatment system prior to discharge nor is notification required for additives that should not reasonably be expected to cause the cooling water or boiler water to exhibit toxicity as determined by analysis of manufacturer's data or testing by the permittee. Such notification shall include:

(1) name and general composition of biocide or chemical;

(2) 96-hour median tolerance limit data for organisms representative of the biota of the waterway into which the discharge will ultimately reach;

(2) quantities to be used;

(3) frequencies of use;

(4) proposed discharge concentrations; and

(6) EPA registration number, if applicable.

b. The use of a biocide or additive containing tributyl tin, tributyl tin oxide, zinc, chromium or related compounds in cooling or boiler system(s), from which a discharge regulated by this permit occurs, is prohibited except as exempted below. The use of a biocide or additive containing zinc, chromium or related compounds may be used in special circumstances if (1) the permit contains limits for these substances, or (2) the applicant demonstrates during the application process that the use of zinc, chromium or related compounds as a biocide or additive will not pose a reasonable potential to violate the applicable State water quality standards for these substances. The use of any additive, not identified in this permit or in the application for this permit or not exempted from notification under this permit is prohibited, prior to a determination by the Department that permit modification to control discharge of the additive is not required or prior to issuance of a permit modification controlling discharge of the additive.

6. Permit Issued Based On Estimated Characteristics

a. If this permit was issued based on estimates of the characteristics of a process discharge reported on an EPA NPDES Application Form 2D (EPA Form 3510-2D), the permittee shall complete and submit an EPA NPDES Application Form 2C (EPA Form 3510-2C) no later than two years after the date that discharge begins. Sampling required for completion of the Form 2C shall occur when a discharge(s) from the process(s) causing the new or increased discharge is occurring. If this permit was issued based on estimates concerning the composition of a stormwater discharge(s), the permittee shall perform the sampling required by EPA NPDES Application Form 2F (EPA Form 3510-2F) no later than one year after the industrial activity generating the stormwater discharge has been fully initiated.

b. This permit shall be reopened if required to address any new information resulting from the completion and submittal of the Form 2C and or 2F.

E. SCHEDULE OF COMPLIANCE

1. Except as specified in Part I.E.2, the Permittee shall achieve compliance with the discharge limitations specified in Provision I. A. in accordance with the following schedule:

COMPLIANCE SHALL BE ATTAINED ON THE EFFECTIVE DATE OF THIS PERMIT

2. **40 CFR § 423 Effluent Limitations Guidelines (ELG) which are applicable to Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5 at the facility.**

Citations and references to the Code of Federal Regulations (CFR), 40 CFR § 423, set forth in the following schedule of compliance and elsewhere in this permit refer to the regulations as they were worded on the date this permit was issued.

a) **Fly Ash Transport Water: There shall be no discharge of pollutants in fly ash transport water generated at the facility on and/or after the effective date of this permit.**

b) **Flue Gas Desulfurization (FGD) Wastewater: FGD wastewater is only generated by the operations of Unit 5. Unit 5 shall be subject to only one of the following four compliance options at any given time for the regulation of FGD wastewater discharges. The Permittee submitted a Notice of Planned Participation to the Department on October 13, 2021 indicating the Permittee has selected the Permanent Cessation of Coal Combustion FGD ELGs compliance option. The Department has included alternative limits that allow for the transfer between compliance options upon timely notification to the Department under 40 CFR § 423.19(i) and subject to the eligibility requirements therein. If the Permittee wishes to transfer to a different compliance option for Unit 5, the Permittee must submit a Notice of Planned Participation to the Department in accordance with 40 CFR §§ 423.13(o)(1) & 423.19(i).**

i. **Generally Applicable FGD ELGs: Beginning no later than December 31, 2025, the Permittee shall demonstrate compliance with the Generally Applicable FGD ELGs through the monitoring requirements proposed for Internal Outfall DSN04F1 (Permit Page 13) for FGD wastewater generated by Unit 5 at the facility on and/or after that date.**

ii. **Low Utilization Electric Generating Units FGD ELGs: The term "low utilization electric generating unit" means any electric generating unit for which the facility owner certifies, and annually recertifies, under 40 CFR § 423.19(e) that the two-year average annual capacity utilization rating is less than 10 percent. Beginning no later than December 31, 2023, the Permittee shall demonstrate compliance with the Low Utilization Electric Generating Unit FGD ELGs through the monitoring requirements for the Outfall DSN04F2 limitation page (Permit Page 14) for FGD wastewater generated by Unit 5 at the facility on and/or after that date.**

iii. **Permanent Cessation of Coal Combustion FGD ELGs: The term "permanent cessation of coal combustion" means the owner or operator certifies under § 423.19(f) that an electric generating unit will cease combustion of coal no later than December 31, 2028. The Permittee shall demonstrate compliance with this compliance option through the monitoring requirements on the Outfall DSN0042 limitation pages (Permit Pages 2, 3, 4, and 5) or the Outfall DSN0043 limitation pages (Permit Pages 6, 7, and 8).**

iv. **Voluntary Incentives Program FGD ELGs: Beginning no later than December 31, 2028, the Permittee shall demonstrate compliance with the Voluntary Incentives Program FGD ELGs through the monitoring requirements on the Outfall DSN04F3 limitation page (Permit Page 15) for FGD wastewater generated by Unit 5 at the facility on and/or after that date.**

c) **Bottom Ash Transport Water (BATW): BATW is generated by the operations of Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5. Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5 shall each be subject to only one of the following three compliance options for the regulation of BATW discharges. The Permittee submitted a Notice of Planned Participation to the Department on October 13, 2021 indicating the Permittee has selected the Permanent Cessation of Coal Combustion BATW ELGs compliance option for Unit 1, Unit 2, Unit 3, Unit 4, and Unit 5. The Department has included alternative limits that allow for the transfer between compliance options upon timely notification to the Department under 40 CFR § 423.19(i) and subject to the eligibility requirements therein. If the Permittee wishes to transfer to a different compliance option for Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5, the Permittee must submit a Notice of Planned Participation to the Department in accordance with 40 CFR §§ 423.13(o)(1) & 423.19(i).**

i. Generally Applicable BATW ELGs: **Beginning no later than December 31, 2025, there shall be no discharge of pollutants in bottom ash transport water generated from the operation of Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5 on and/or after that date subject to the following conditions and additionally excluding BATW that is used in the FGD scrubber. In accordance with 40 CFR § 423.13(k)(1)(i), when BATW is used in the FGD scrubber, it ceases to be BATW, and instead is FGD wastewater, which must meet the requirements for FGD wastewaters that are applicable at that time. The discharge of pollutants in BATW from a properly installed, operated, and maintained bottom ash system is authorized under the following conditions:**

1. **To maintain system water balance when precipitation-related inflows are generated from storm events exceeding a 10-year storm event of 24-hour or longer duration (e.g., 30-day storm event) and cannot be managed by installed spares, redundancies, maintenance tanks, and other secondary bottom ash system equipment; or**

2. **To maintain system water balance when regular inflows from wastestreams other than BATW exceed the ability of the bottom ash system to accept recycled water and segregating these other wastestreams is not feasible; or**

3. **To maintain system water chemistry where installed equipment at the facility is unable to manage pH, corrosive substances, substances or conditions causing scaling, or fine particulates to below levels which impact system operation or maintenance; or**

4. **To conduct maintenance not otherwise included in the previous three bullet points and not exempted from the definition of transport water in 40 CFR §423.11(p), and when water volumes cannot be managed by installed spares, redundancies, maintenance tanks, and other secondary bottom ash system equipment.**

The total volume of BATW that may be discharged shall be reduced or eliminated to the extent achievable using control measures (including best management practices) that are technologically available and economically achievable in light of best industry practice. The total volume of the discharge authorized shall not exceed a 30-day rolling average of ten percent of the primary active wetted bottom ash system volume. The volume of daily discharges used to calculate the 30-day rolling average shall be calculated using measurements from flow monitors. The term "primary active wetted bottom ash system volume" means the maximum volumetric capacity of bottom ash transport water in all non-redundant piping (including recirculation piping) and primary bottom ash collection and recirculation loop tanks (e.g., bins, troughs, clarifiers, and hoppers) of a wet bottom ash system, excluding the volumes of surface impoundments, secondary bottom ash system equipment (e.g., installed spares, redundancies, and maintenance tanks), and non-bottom ash transport systems that may direct process water to the bottom ash.

After the Permittee submits an initial certification statement in accordance with 40 CFR § 423.19(c) (if applicable), the Department may reopen the permit to incorporate more stringent requirements for the allowable percentage of the total primary active wetted bottom ash volume of BATW that may be discharged.

ii. Low Utilization Electric Generating Units BATW ELGs - **The term "low utilization electric generating unit" means any electric generating unit for which the facility owner certifies, and annually recertifies, under 40 CFR §423.19(e) that the two-year average annual capacity utilization rating is less than 10 percent. The Permittee shall demonstrate compliance with this compliance option through the monitoring requirements on the Outfall DSN0042 limitation pages (Permit Pages 2, 3, 4, and 5) or the Outfall DSN0043 limitation pages (Permit Pages 6, 7, and 8) and shall incorporate the elements of a best management practices plan in accordance with 40 CFR §423.13(k)(3).**

iii. Permanent Cessation of Coal Combustion BATW ELGs - **The term "permanent cessation of coal combustion" means the owner or operator certifies under 40 CFR §423.19(f) that an electric generating unit plans to cease combustion of coal no later than December 31, 2028. For BATW generated by one or more units that will achieve permanent cessation of coal combustion by December 31, 2028, the Permittee shall demonstrate compliance through the monitoring requirements on the Outfall DSN0042 limitation pages (Permit Pages 2, 3, 4, and 5) or the Outfall DSN0043 limitation pages (Permit Pages 6, 7, and 8).**

d) Transfer Between Compliance Options: **For Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5, in accordance with 40 CFR § 423.13 (o)(1), the Permittee has requested the ability to transfer to/from the above-referenced FGD wastewater and BATW compliance options. The Department has proposed alternative limits for the Generally Applicable FGD ELGs, Low Utilization Electric Generating Unit FGD ELGs, the Permanent Cessation of Coal Combustion FGD ELGs, the Voluntary Incentives Program FGD ELGs, Generally Applicable BATW ELGs, the Low Utilization Electric Generating Unit BATW ELGs, and the Permanent Cessation of Coal Combustion BATW ELGs.**

i. If the Permittee intends to transfer to a different compliance option for FGD Wastewater (Unit 5) and/or BATW (Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5), the Permittee shall submit a Notice of Planned Participation, in accordance with 40 CFR § 423.19(i), to the Department no later than the dates outlined below. Upon timely submission of a Notice to the Department, the unit(s) (i.e., Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5) shall become subject to the permit conditions applicable to the chosen compliance option.

On or before December 31, 2023, the Permittee may transfer:

- From the Permanent Cessation of Coal Combustion FGD and/or BATW ELGs to the Low Utilization Electric Generating Unit FGD and/or BATW ELGs; or
- From the Voluntary Incentives Program FGD ELGs and/or the Generally Applicable BATW ELGs to the Low Utilization Electric Generating Unit FGD and/or BATW ELGs.

On or before December 31, 2025, the Permittee may transfer:

- From the Voluntary Incentives Program FGD ELGs to the Permanent Cessation of Coal Combustion FGD ELGs; or
- From the Permanent Cessation of Coal Combustion FGD and/or BATW ELGs to the Voluntary Incentives Program FGD ELGs and/or the Generally Applicable BATW ELGs; or
- From the Low Utilization Electric Generating Unit FGD and/or BATW ELGs to the Generally Applicable FGD and/or BATW ELGs; or
- From the Low Utilization Electric Generating Unit FGD and/or BATW ELGs to the Voluntary Incentives Program FGD ELGs and/or the Generally Applicable BATW ELGs; or
- From the Low Utilization Electric Generating Unit FGD and/or BATW ELGs to the Permanent Cessation of Coal Combustion FGD and/or BATW ELGs.

ii. The Permittee must be in compliance with all of its currently applicable requirements to be eligible to file a notice under 40 CFR § 423.19(i) and to become subject to a different set of applicable requirements.

iii. Where the unit(s) (i.e., Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5) for which the Permittee is seeking a transfer described in 40 CFR § 423.13(o)(1)(ii) is currently subject to more stringent requirements than the requirements being sought, said unit(s) must continue to meet those more stringent requirements.

e) Reporting and Recordkeeping Requirements: The Permittee shall comply only with the reporting and recordkeeping requirements set out below that are applicable to Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5 at the time of the deadline(s) established below, or as directed by Part I.E.2.d.iii.

i. Generally Applicable BATW ELGs: If the Permittee intends to discharge BATW from Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5, in accordance with the Generally Applicable BATW ELGs, an initial certification shall be submitted to the Department by December 31, 2025 that includes the requirements specified in 40 CFR § 423.19(c).

ii. Low Utilization Electric Generating Units FGD and/or BATW ELGs: If the Permittee intends for Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5 to qualify as a low utilization electric generating unit, an initial certification shall be made to the Department no later than December 31, 2023, in accordance with 40 CFR § 423.19(e)(3) & (4), and an annual recertification shall be made to the Department within 60 days of submitting annual electricity production data to the Energy Information Administration, in accordance with 40 CFR § 423.19(e)(3) & (4).

a. Low Utilization Electric Generating Units BATW ELGs - If the Permittee intends for Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5 to qualify as a low utilization electric generating unit, the Permittee shall submit to the Department an initial certification with a permit application or by October 13, 2023, whichever is later, that includes the requirements specified in 40 CFR § 423.19(d). The Permittee shall thereafter review and update the required best management practices plan, as needed. An annual recertification including the requirements specified in 40 CFR § 423.19(d) shall be submitted to the Department within 60 days of the anniversary of the original plan.

iii. Permanent Cessation of Coal Combustion FGD and/or BATW ELGs: Annually after submission of the Notice of Planned Participation, a progress report shall be filed with the Department which includes the requirements specified in 40 CFR § 423.19(f)(3) & (4).

iv. **Voluntary Incentives Program FGD ELGs: Annually after submission of the Notice of Planned Participation, a progress report shall be filed with the Department which includes the requirements specified in 40 CFR § 423.19(h)(3) & (4).**

v. **Material Delay: Within 30 days of experiencing a material delay in the milestones set forth in the Notice(s) of Planned Participation for the Permanent Cessation of Coal Combustion FGD and/or BATW ELGs and/or the Voluntary Incentives Program FGD ELGs compliance options, and where such a delay may preclude permanent cessation of coal combustion or compliance with the voluntary incentives program requirements by December 31, 2028, the Permittee shall file a notice of material delay with the Department. The contents of the notice shall include the reason for the delay, the projected length of the delay, and a proposed resolution to maintain compliance.**

vi. **Requirements for facilities seeking the protections of 40 CFR § 423.18: An electric generating unit shall qualify as a low utilization electric generating unit or permanently ceasing the combustion of coal by December 31, 2028, if such qualification would have been demonstrated absent the following qualifying event:**

a. An emergency order issued by the Department of Energy under Section 202(c) of the Federal Power Act,

b. A reliability must run agreement issued by a Public Utility Commission, or

c. Any other reliability-related order or agreement issued by a competent electricity regulator (e.g., an independent system operator) which results in that electric generating unit operating in a way not contemplated when the certification was made; or

d. The operation of the electric generating unit was necessary for load balancing in an area subject to a declaration under 42 U.S.C. 5121 et seq., that there exists:

i. An "Emergency," as defined by 42 U.S. Code § 5122 or

ii. A "Major Disaster," as defined by 42 U.S. Code § 5122 and

iii. That load balancing was due to the event that caused the "Emergency" or "Major Disaster" in paragraph (e)(vi)(d) of this section to be declared.

If the Permittee is seeking to apply the protections of the permit conditions in 40 CFR § 423.18, set forth above, and for each instance that 40 CFR § 423.18 is applied, the Permittee shall comply with the requirements of 40 CFR § 423.19(g).

3. For requirements applicable to the permittee identified in the Part I.E.2 schedule of compliance, no later than 14 calendar days following a mandatory obligation, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement. This requirement shall be considered fulfilled if a submission/notification is required and submitted in accordance with Part I.E.2.

PART II OTHER REQUIREMENTS, RESPONSIBILITIES, AND DUTIES

A. OPERATIONAL AND MANAGEMENT REQUIREMENTS

1. Facilities Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities only when necessary to achieve compliance with the conditions of the permit.

2. Best Management Practices

a. Dilution water shall not be added to achieve compliance with discharge limitations except when the Director or his designee has granted prior written authorization for dilution to meet water quality requirements.

b. The permittee shall prepare, implement, and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan in accordance with 40 C.F.R. Section 112 if required thereby.

c. The permittee shall prepare, submit for approval and implement a Best Management Practices (BMP) Plan for containment of any or all process liquids or solids, in a manner such that these materials do not present a significant potential for discharge, if so required by the Director or his designee. When submitted and approved, the BMP Plan shall become a part of this permit and all requirements of the BMP Plan shall become requirements of this permit.

3. Spill Prevention, Control, and Management

The permittee shall provide spill prevention, control, and/or management sufficient to prevent any spills of pollutants from entering a water of the state or a publicly or privately owned treatment works. Any containment system used to implement this requirement shall be constructed of materials compatible with the substance(s) contained and which shall prevent the contamination of groundwater and such containment system shall be capable of retaining a volume equal to 110 percent of the capacity of the largest tank for which containment is provided.

B. OTHER RESPONSIBILITIES

1. Duty to Mitigate Adverse Impacts

The permittee shall promptly take all reasonable steps to mitigate and minimize or prevent any adverse impact on human health or the environment resulting from noncompliance with any discharge limitation specified in Provision I. A. of this permit, including such accelerated or additional monitoring of the discharge and/or the receiving waterbody as necessary to determine the nature and impact of the noncomplying discharge.

2. Right of Entry and Inspection

The permittee shall allow the Director, or an authorized representative, upon the presentation of proper credentials and other documents as may be required by law to:

a. enter upon the permittee's premises where a regulated facility or activity or point source is located or conducted, or where records must be kept under the conditions of the permit;

b. have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

c. inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and

d. sample or monitor, for the purposes of assuring permit compliance or as otherwise authorized by the AWPCA, any substances or parameters at any location.

C. BYPASS AND UPSET

1. Bypass

a. Any bypass is prohibited except as provided in b. and c. below:

b. A bypass is not prohibited if:

(1) It does not cause any discharge limitation specified in Provision I. A. of this permit to be exceeded;

(2) It enters the same receiving stream as the permitted outfall; and

(3) It is necessary for essential maintenance of a treatment or control facility or system to assure efficient operation of such facility or system.

c. A bypass is not prohibited and need not meet the discharge limitations specified in Provision I. A. of this permit if:

(1) It is unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime (this condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance); and

(3) The permittee submits a written request for authorization to bypass to the Director at least ten (10) days prior to the anticipated bypass (if possible), the permittee is granted such authorization, and the permittee complies with any conditions imposed by the Director to minimize any adverse impact on human health or the environment resulting from the bypass.

d. The permittee has the burden of establishing that each of the conditions of Provision II.C.1.b. or c. have been met to qualify for an exception to the general prohibition against bypassing contained in a. and an exemption, where applicable, from the discharge limitations specified in Provision I. A. of this permit.

2. Upset

a. A discharge which results from an upset need not meet the discharge limitations specified in Provision I. A. of this permit if:

(1) No later than 24-hours after becoming aware of the occurrence of the upset, the permittee orally reports the occurrence and circumstances of the upset to the Director or his designee; and

(2) No later than five (5) days after becoming aware of the occurrence of the upset, the permittee furnishes the Director with evidence, including properly signed, contemporaneous operating logs, or other relevant evidence, demonstrating that (i) an upset occurred; (ii) the permittee can identify the specific cause(s) of the upset; (iii) the permittee's facility was being properly operated at the time of the upset; and (iv) the permittee promptly took all reasonable steps to minimize any adverse impact on human health or the environment resulting from the upset.

b. The permittee has the burden of establishing that each of the conditions of Provision II. C.2.a. of this permit have been met to qualify for an exemption from the discharge limitations specified in Provision I.A. of this permit.

D. DUTY TO COMPLY WITH PERMIT, RULES, AND STATUTES

1. Duty to Comply

a. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the AWPCA and the FWPCA and is grounds for enforcement action, for permit termination, revocation and reissuance, suspension, modification; or denial of a permit renewal application.

b. The necessity to halt or reduce production or other activities in order to maintain compliance with the conditions of the permit shall not be a defense for a permittee in an enforcement action.

c. The discharge of a pollutant from a source not specifically identified in the permit application for this permit and not specifically included in the description of an outfall in this permit is not authorized and shall constitute noncompliance with this permit.

d. The permittee shall take all reasonable steps, including cessation of production or other activities, to minimize or prevent any violation of this permit or to minimize or prevent any adverse impact of any permit violation.

e. Nothing in this permit shall be construed to preclude and negate the permittee's responsibility or liability to apply for, obtain, or comply with other ADEM, Federal, State, or Local Government permits, certifications, licenses, or other approvals.

2. Removed Substances

Solids, sludges, filter backwash, or any other pollutant or other waste removed in the course of treatment or control of wastewaters shall be disposed of in a manner that complies with all applicable Department Rules.

3. Loss or Failure of Treatment Facilities

Upon the loss or failure of any treatment facilities, including but not limited to the loss or failure of the primary source of power of the treatment facility, the permittee shall, where necessary to maintain compliance with the discharge limitations specified in Provision I. A. of this permit, or any other terms or conditions of this permit, cease, reduce, or otherwise control production and/or all discharges until treatment is restored. If control of discharge during loss or failure of the primary source of power is to be accomplished by means of alternate power sources, standby generators, or retention of inadequately treated effluent, the permittee must furnish to the Director within six months a certification that such control mechanisms have been installed.

4. Compliance with Statutes and Rules

a. This permit has been issued under ADEM Administrative Code, Chapter 335-6-6. All provisions of this chapter, that are applicable to this permit, are hereby made a part of this permit. A copy of this chapter may be obtained for a small charge from the Office of General Counsel, Alabama Department of Environmental Management, 1400 Coliseum Blvd., Montgomery, AL 36130.

b. This permit does not authorize the noncompliance with or violation of any Laws of the State of Alabama or the United States of America or any regulations or rules implementing such laws. FWPCA, 33 U.S.C. Section 1319, and Code of Alabama 1975, Section 22-22-14.

E. PERMIT TRANSFER, MODIFICATION, SUSPENSION, REVOCATION, AND REISSUANCE

1. Duty to Reapply or Notify of Intent to Cease Discharge

a. If the permittee intends to continue to discharge beyond the expiration date of this permit, the permittee shall file a complete permit application for reissuance of this permit at least 180 days prior to its expiration. If the permittee does not intend to continue discharge beyond the expiration of this permit, the permittee shall submit written notification of this intent which shall be signed by an individual meeting the signatory requirements for a permit application as set forth in ADEM Administrative Code Rule 335-6-6-.09.

b. Failure of the permittee to apply for reissuance at least 180 days prior to permit expiration will void the automatic continuation of the expiring permit provided by ADEM Administrative Code Rule 335-6-6-.06 and should the permit not be reissued for any reason any discharge after expiration of this permit will be an unpermitted discharge.

2. Change in Discharge

a. The permittee shall apply for a permit modification at least 180 days in advance of any facility expansion, production increase, process change, or other action that could result in the discharge of additional pollutants or increase the quantity of a discharged pollutant such that existing permit limitations would be exceeded or that could result in an additional discharge point. This requirement applies to pollutants that are or that are not subject to discharge limitations in this permit. No new or increased discharge may begin until the Director has authorized it by issuance of a permit modification or a reissued permit.

b. The permittee shall notify the Director as soon as it is known or there is reason to believe:

(1) That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:

(a) one hundred micrograms per liter;

(b) two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dini-trophenol; and one milligram per liter for antimony;

(c) five times the maximum concentration value reported for that pollutant in the permit application; or

(2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

(a) five hundred micrograms per liter;

(b) one milligram per liter for antimony;

(c) ten times the maximum concentration value reported for that pollutant in the permit application.

3. Transfer of Permit

This permit may not be transferred or the name of the permittee changed without notice to the Director and subsequent modification or revocation and reissuance of the permit to identify the new permittee and to incorporate any other changes as may be required under the FWPCA or AWPCA. In the case of a change in name, ownership or control of the permittee's premises only, a request for permit modification in a format acceptable to the Director is required at least 30 days prior to the change. In the case of a change in name, ownership or control of the permittee's premises accompanied by a change or proposed change in effluent characteristics, a complete permit application is required to be submitted to the Director at least 180 days prior to the change. Whenever the Director is notified of a change in name, ownership or control, he may decide not to modify the existing permit and require the submission of a new permit application.

4. Permit Modification and Revocation

a. This permit may be modified or revoked and reissued, in whole or in part, during its term for cause, including but not limited to, the following:

(1) If cause for termination under Provision II. E. 5. of this permit exists, the Director may choose to revoke and reissue this permit instead of terminating the permit;

(2) If a request to transfer this permit has been received, the Director may decide to revoke and reissue or to modify the permit; or

(3) If modification or revocation and reissuance is requested by the permittee and cause exists, the Director may grant the request.

b. This permit may be modified during its term for cause, including but not limited to, the following:

(1) If cause for termination under Provision II. E. 5. of this permit exists, the Director may choose to modify this permit instead of terminating this permit;

(2) There are material and substantial alterations or additions to the facility or activity generating wastewater which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;

(3) The Director has received new information that was not available at the time of permit issuance and that would have justified the application of different permit conditions at the time of issuance;

(4) A new or revised requirement(s) of any applicable standard or limitation is promulgated under Sections 301(b)(2)(C), (D), (E), and (F), and 307(a)(2) of the FWPCA;

(5) Errors in calculation of discharge limitations or typographical or clerical errors were made;

(6) To the extent allowed by ADEM Administrative Code, Rule 335-6-6-.17, when the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued;

(7) To the extent allowed by ADEM Administrative Code, Rule 335-6-6-.17, permits may be modified to change compliance schedules;

(8) To agree with a granted variance under 30l(c), 30l(g), 30l(h), 30l(k), or 3l6(a) of the FWPCA or for fundamentally different factors;

(9) To incorporate an applicable 307(a) FWPCA toxic effluent standard or prohibition;

(10) When required by the reopener conditions in this permit;

(11) When required under 40 CFR 403.8(e) (compliance schedule for development of pretreatment program);

(12) Upon failure of the state to notify, as required by Section 402(b)(3) of the FWPCA, another state whose waters may be affected by a discharge permitted by this permit;

(13) When required to correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions; or

(14) When requested by the permittee and the Director determines that the modification has cause and will not result in a violation of federal or state law, regulations or rules.

5. Permit Termination

This permit may be terminated during its term for cause, including but not limited to, the following:

a. Violation of any term or condition of this permit;

b. The permittee's misrepresentation or failure to disclose fully all relevant facts in the permit application or during the permit issuance process or the permittee's misrepresentation of any relevant facts at any time;

c. Materially false or inaccurate statements or information in the permit application or the permit;

d. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

e. The permittee's discharge threatens human life or welfare or the maintenance of water quality standards;

f. Permanent closure of the facility generating the wastewater permitted to be discharged by this permit or permanent cessation of wastewater discharge;

g. New or revised requirements of any applicable standard or limitation that is promulgated under Sections 301(b)(2)(C), (D), (E), and (F), and 307(a)(2) of the FWPCA that the Director determines cannot be complied with by the permittee; or

h. Any other cause allowed by the ADEM Administrative Code, Chapter 335-6-6.

6. Permit Suspension

This permit may be suspended during its term for noncompliance until the permittee has taken action(s) necessary to achieve compliance.

7. Request for Permit Action Does Not Stay Any Permit Requirement

The filing of a request by the permittee for modification, suspension or revocation of this permit, in whole or in part, does not stay any permit term or condition.

F. COMPLIANCE WITH TOXIC POLLUTANT STANDARD OR PROHIBITION

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the FWPCA, 33 U.S.C. Section 1317(a), for a toxic pollutant discharged by the permittee and such standard or prohibition is more stringent than any discharge limitation on the pollutant specified in Provision I. A. of this permit, or controls a pollutant not limited in Provision I. A. of this permit, this permit shall be modified to conform to the toxic pollutant effluent standard or prohibition and the permittee shall be notified of such modification. If this permit has not been modified to conform to the toxic pollutant effluent standard or prohibition before the effective date of such standard or prohibition, the permittee shall attain compliance with the requirements of the standard or prohibition within the time period required by the standard or prohibition and shall continue to comply with the standard or prohibition until this permit is modified or reissued.

G. DISCHARGE OF WASTEWATER GENERATED BY OTHERS

The discharge of wastewater, generated by any process, facility, or by any other means not under the operational control of the permittee or not identified in the application for this permit or not identified specifically in the description of an outfall in this permit is not authorized by this permit.

PART III OTHER PERMIT CONDITIONS

A. CIVIL AND CRIMINAL LIABILITY

1. Tampering

Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained or performed under the permit shall, upon conviction, be subject to penalties as provided by the AWPCA.

2. False Statements

Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be subject to penalties as provided by the AWPCA.

3. Permit Enforcement

a. Any NPDES permit issued or reissued by the Department is a permit for the purpose of the AWPCA and the FWPCA and as such any terms, conditions, or limitations of the permit are enforceable under state and federal law.

b. Any person required to have a NPDES permit pursuant to ADEM Administrative Code Chapter 335-6-6 and who discharges pollutants without said permit, who violates the conditions of said permit, who discharges pollutants in a manner not authorized by the permit, or who violates applicable orders of the Department or any applicable rule or standard of the Department, is subject to any one or combination of the following enforcement actions under applicable state statutes.

(1) An administrative order requiring abatement, compliance, mitigation, cessation, clean-up, and/or penalties;

(2) An action for damages;

(3) An action for injunctive relief; or

(4) An action for penalties.

c. If the permittee is not in compliance with the conditions of an expiring or expired permit the Director may choose to do any or all of the following provided the permittee has made a timely and complete application for reissuance of the permit:

(1) initiate enforcement action based upon the permit which has been continued;

(2) issue a notice of intent to deny the permit reissuance. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(3) reissue the new permit with appropriate conditions; or

(4) take other actions authorized by these rules and AWPCA.

4. Relief from Liability

Except as provided in Provision II.C.1 (Bypass) and Provision II.C.2 (Upset), nothing in this permit shall be construed to relieve the permittee of civil or criminal liability under the AWPCA or FWPCA for noncompliance with any term or condition of this permit.

B. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of the FWPCA, 33 U.S.C. Section 1321.

C. PROPERTY AND OTHER RIGHTS

This permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of federal, state, or local laws or regulations, nor does it authorize or approve the construction of any physical structures or facilities or the undertaking of any work in any waters of the state or of the United States.

D. AVAILABILITY OF REPORTS

Except for data determined to be confidential under Code of Alabama 1975, Section 22-22-9(c), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential.

E. EXPIRATION OF PERMITS FOR NEW OR INCREASED DISCHARGES

1. If this permit was issued for a new discharger or new source, this permit shall expire eighteen months after the issuance date if construction of the facility has not begun during the eighteen-month period.

2. If this permit was issued or modified to allow the discharge of increased quantities of pollutants to accommodate the modification of an existing facility and if construction of this modification has not begun during the eighteen month period after issuance of this permit or permit modification, this permit shall be modified to reduce the quantities of pollutants allowed to be discharged to those levels that would have been allowed if the modification of the facility had not been planned.

3. Construction has begun when the owner or operator has:

   a. begun, or caused to begin as part of a continuous on-site construction program:

      (1) any placement, assembly, or installation of facilities or equipment; or

      (2) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

   b. entered into a binding contractual obligation for the purpose of placement, assembly, or installation of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under the paragraph. The entering into a lease with the State of Alabama for exploration and production of hydrocarbons shall also be considered beginning construction.

F. COMPLIANCE WITH WATER QUALITY STANDARDS

1. On the basis of the permittee's application, plans, or other available information, the Department has determined that compliance with the terms and conditions of this permit should assure compliance with the applicable water quality standards.

2. Compliance with permit terms and conditions notwithstanding, if the permittee's discharge(s) from point sources identified in Provision I. A. of this permit cause or contribute to a condition in contravention of state water quality standards, the Department may require abatement action to be taken by the permittee in emergency situations or modify the permit pursuant to the Department's Rules, or both.

3. If the Department determines, on the basis of a notice provided pursuant to this permit or any investigation, inspection or sampling, that a modification of this permit is necessary to assure maintenance of water quality standards or compliance with other provisions of the AWPCA or FWPCA, the Department may require such modification and, in cases of emergency, the Director may prohibit the discharge until the permit has been modified.

G. GROUNDWATER

Unless specifically authorized under this permit, this permit does not authorize the discharge of pollutants to groundwater. Should a threat of groundwater contamination occur, the Director may require groundwater monitoring to properly assess the degree of the problem and the Director may require that the Permittee undertake measures to abate any such discharge and/or contamination.

H. DEFINITIONS

1. Average monthly discharge limitation - means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month (zero discharge days shall not be included in the number of "daily discharges" measured and a less than detectable test result shall be treated as a concentration of zero if the most sensitive EPA approved method was used).

2. Average weekly discharge limitation - means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week (zero discharge days shall not be included in the number of "daily discharges" measured and a less than detectable test result shall be treated as a concentration of zero if the most sensitive EPA approved method was used).

3. Arithmetic Mean – means the summation of the individual values of any set of values divided by the number of individual values.

4. AWPCA - means the Alabama Water Pollution Control Act.

5. BOD – means the five-day measure of the pollutant parameter biochemical oxygen demand.

6. Bypass - means the intentional diversion of waste streams from any portion of a treatment facility.

7. CBOD – means the five-day measure of the pollutant parameter carbonaceous biochemical oxygen demand.

8. Daily discharge - means the discharge of a pollutant measured during any consecutive 24-hour period in accordance with the sample type and analytical methodology specified by the discharge permit.

9. Daily maximum - means the highest value of any individual sample result obtained during a day.

10. Daily minimum - means the lowest value of any individual sample result obtained during a day.

11. Day - means any consecutive 24-hour period.

12. Department - means the Alabama Department of Environmental Management.

13. Dewatering – means discharges of wastewater from the ash pond from a surface water elevation below which gravity discharges via the overflow discharge structure cannot occur.

14. Director - means the Director of the Department.

15. Discharge - means "[t]he addition, introduction, leaking, spilling or emitting of any sewage, industrial waste, pollutant or other wastes into waters of the state". Code of Alabama 1975, Section 22-22-1(b)(8).

16. Discharge Monitoring Report (DMR) - means the form approved by the Director to accomplish reporting requirements of an NPDES permit.

17. DO – means dissolved oxygen.

18. 8HC – means 8-hour composite sample, including any of the following:

    a. The mixing of at least 5 equal volume samples collected at constant time intervals of not more than 2 hours over a period of not less than 8 hours between the hours of 6:00 a.m. and 6:00 p.m. If the sampling period exceeds 8 hours, sampling may be conducted beyond the 6:00 a.m. to 6:00 p.m. period.

    b. A sample continuously collected at a constant rate over period of not less than 8 hours between the hours of 6:00 a.m. and 6:00 p.m. If the sampling period exceeds 8 hours, sampling may be conducted beyond the 6:00 a.m. to 6:00 p.m. period.

19. EPA - means the United States Environmental Protection Agency.

20. FC – means the pollutant parameter fecal coliform.

21. Flow – means the total volume of discharge in a 24-hour period.

22. FWPCA - means the Federal Water Pollution Control Act.

23. Geometric Mean – means the Nth root of the product of the individual values of any set of values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero (0) shall be considered one (1).

24. Grab Sample – means a single influent or effluent portion which is not a composite sample. The sample(s) shall be collected at the period(s) most representative of the discharge.

25. Indirect Discharger – means a nondomestic discharger who discharges pollutants to a publicly owned treatment works or a privately owned treatment facility operated by another person.

26. Industrial User – means those industries identified in the Standard Industrial Classification manual, Bureau of the Budget 1967, as amended and supplemented, under the category "Division D – Manufacturing" and such other classes of significant waste producers as, by regulation, the Director deems appropriate.

27. MGD – means million gallons per day.

28. Monthly Average – means, other than for fecal coliform bacteria, the arithmetic mean of the entire composite or grab samples taken for the daily discharges collected in one month period. The monthly average for fecal coliform bacteria is the geometric mean of daily discharge samples collected in a one month period. The monthly average for flow is the arithmetic mean of all flow measurements taken in a one month period.

29. New Discharger – means a person, owning or operating any building, structure, facility or installation:

    a. from which there is or may be a discharge of pollutants;

    b. that did not commence the discharge of pollutants prior to August 13, 1979, and which is not a new source; and

    c. which has never received a final effective NPDES permit for dischargers at that site.

30. NH3-N – means the pollutant parameter ammonia, measured as nitrogen.

31. Permit application - means forms and additional information that is required by ADEM Administrative Code Rule 335-6-6-.08 and applicable permit fees.

32. Point source - means "any discernible, confined and discrete conveyance, including but not limited to any pipe, channel, ditch, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, . . . from which pollutants are or may be discharged." Section 502(14) of the FWPCA, 33 U.S.C. Section 1362(14).

33. Pollutant - includes for purposes of this permit, but is not limited to, those pollutants specified in Code of Alabama 1975, Section 22-22-1(b)(3) and those effluent characteristics specified in Provision I. A. of this permit.

34. Privately Owned Treatment Works – means any devices or system which is used to treat wastes from any facility whose operator is not the operator of the treatment works, and which is not a "POTW".

35. Publicly Owned Treatment Works – means a wastewater collection and treatment facility owned by the State, municipality, regional entity composed of two or more municipalities, or another entity created by the State or local authority for the purpose of collecting and treating municipal wastewater.

36. Receiving Stream – means the "waters" receiving a "discharge" from a "point source".

37. Severe property damage - means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

38. Significant Source – means a source which discharges 0.025 MGD or more to a POTW or greater than five percent of the treatment work's capacity, or a source which is a primary industry as defined by the U.S. EPA or which discharges a priority or toxic pollutant.

39. Solvent – means any virgin, used or spent organic solvent(s) identified in the F-Listed wastes (F001 through F005) specified in 40 CFR 261.31 that is used for the purpose of solubilizing other materials.

40. TKN – means the pollutant parameter Total Kjeldahl Nitrogen.

41. TON – means the pollutant parameter Total Organic Nitrogen.

42. TRC – means Total Residual Chlorine.

43. TSS – means the pollutant parameter Total Suspended Solids.

44. 24HC – means 24-hour composite sample, including any of the following:

    a. the mixing of at least 12 equal volume samples collected at constant time intervals of not more than 2 hours over a period of 24 hours;

    b. a sample collected over a consecutive 24-hour period using an automatic sampler composite to one sample. As a minimum, samples shall be collected hourly and each shall be no more than one twenty-fourth (1/24) of the total sample volume collected; or

    c. a sample collected over a consecutive 24-hour period using an automatic composite sampler composited proportional to flow.

45. Upset - means an exceptional incident in which there is an unintentional and temporary noncompliance with technology-based permit discharge limitations because of factors beyond the reasonable control of the permittee. An upset does not include

noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

46. Waters - means "[a]ll waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the state, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce." Code of Alabama 1975, Section 22-22-1(b)(2). Waters "include all navigable waters" as defined in Section 502(7) of the FWPCA, 22 U.S.C. Section 1362(7), which are within the State of Alabama.

47. Week - means the period beginning at twelve midnight Saturday and ending at twelve midnight the following Saturday.

48. Weekly (7-day and calendar week) Average – is the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The calendar week is defined as beginning on Sunday and ending on Saturday. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for the calendar week shall be included in the data for the month that contains the Saturday.

I. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

PART IV ADDITIONAL REQUIREMENTS, CONDITIONS, AND LIMITATIONS

A. BEST MANAGEMENT PRACTICES (BMP) PLAN REQUIREMENTS

1. BMP Plan

The permittee shall develop and implement a Best Management Practices (BMP) Plan which prevents, or minimizes the potential for, the release of pollutants from ancillary activities, including material storage areas; plant site runoff; in-plant transfer, process and material handling areas; loading and unloading operations, and sludge and waste disposal areas, to the waters of the State through plant site runoff; spillage or leaks; sludge or waste disposal; or drainage from raw material storage.

2. Plan Content

The permittee shall prepare and implement a best management practices (BMP) plan, which shall:

a. Establish specific objectives for the control of pollutants:

(1) Each facility component or system shall be examined for its potential for causing a release of significant amounts of pollutants to waters of the State due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.

(2) Where experience indicates a reasonable potential for equipment failure (e.g., a tank overflow or leakage), natural condition (e.g. precipitation), or circumstances to result in significant amounts of pollutants reaching surface waters, the plan should include a prediction of the direction, rate of flow, and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance.

b. Establish specific best management practices to meet the objectives identified under paragraph a. of this section, addressing each component or system capable of causing a release of significant amounts of pollutants to the waters of the State, and identifying specific preventative or remedial measures to be implemented;

c. Establish a program to identify and repair leaking equipment items and damaged containment structures, which may contribute to contaminated stormwater runoff. This program must include regular visual inspections of equipment, containment structures and of the facility in general to ensure that the BMP is continually implemented and effective;

d. Prevent the spillage or loss of fluids, oil, grease, gasoline, etc. from vehicle and equipment maintenance activities and thereby prevent the contamination of stormwater from these substances;

e. Prevent or minimize stormwater contact with material stored on site;

f. Designate by position or name the person or persons responsible for the day to day implementation of the BMP;

g. Provide for routine inspections, on days during which the facility is manned, of any structures that function to prevent stormwater pollution or to remove pollutants from stormwater and of the facility in general to ensure that the BMP is continually implemented and effective;

h. Provide for the use and disposal of any material used to absorb spilled fluids that could contaminate stormwater;

i. Develop a solvent management plan, if solvents are used on site. The solvent management plan shall include as a minimum lists of the solvents on site; the disposal method of solvents used instead of dumping, such as reclamation, contract hauling; and the procedures for assuring that solvents do not routinely spill or leak into the stormwater;

j. Provide for the disposal of all used oils, hydraulic fluids, solvent degreasing material, etc. in accordance with good management practices and any applicable state or federal regulations;

k. Include a diagram of the facility showing the locations where stormwater exits the facility, the locations of any structure or other mechanisms intended to prevent pollution of stormwater or to remove pollutants from stormwater, the locations of any collection and handling systems;

l. Provide control sufficient to prevent or control pollution of stormwater by soil particles to the degree required to maintain compliance with the water quality standard for turbidity applicable to the waterbody(s) receiving discharge(s) under this permit;

m. Provide spill prevention, control, and/or management sufficient to prevent or minimize contaminated stormwater runoff. Any containment system used to implement this requirement shall be constructed of materials compatible with the substance(s) contained and shall prevent the contamination of groundwater. The containment system shall also be capable of retaining a volume equal to 110 percent of the capacity of the largest tank for which containment is provided;

n. Provide and maintain curbing, diking or other means of isolating process areas to the extent necessary to allow segregation and collection for treatment of contaminated stormwater from process areas;

o. Be reviewed by plant engineering staff and the plant manager; and

p. Bear the signature of the plant manager.

3. Compliance Schedule

The permittee shall have reviewed (and revised if necessary) and fully implemented the BMP plan as soon as practicable but no later than six months after the effective date of this permit.

4. Department Review

a. When requested by the Director or his designee, the permittee shall make the BMP available for Department review.

b. The Director or his designee may notify the permittee at any time that the BMP is deficient and require correction of the deficiency.

c. The permittee shall correct any BMP deficiency identified by the Director or his designee within 30 days of receipt of notification and shall certify to the Department that the correction has been made and implemented.

5. Administrative Procedures

a. A copy of the BMP shall be maintained at the facility and shall be available for inspection by representatives of the Department.

b. A log of the routine inspection required above shall be maintained at the facility and shall be available for inspection by representatives of the Department. The log shall contain records of all inspections performed for the last three years and each entry shall be signed by the person performing the inspection.

c. The permittee shall provide training for any personnel required to implement the BMP and shall retain documentation of such training at the facility. This documentation shall be available for inspection by representatives of the Department. Training shall be performed prior to the date that implementation of the BMP is required.

d. BMP Plan Modification. The permittee shall amend the BMP plan whenever there is a change in the facility or change in operation of the facility which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.

e. BMP Plan Review. The permittee shall complete a review and evaluation of the BMP plan at least once every three years from the date of preparation of the BMP plan. Documentation of the BMP Plan review and evaluation shall be signed and dated by the Plant Manager.

B. STORMWATER FLOW MEASUREMENT AND SAMPLING REQUIREMENTS

1. Stormwater Flow Measurement

a. All stormwater samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches.

b. The total volume of stormwater discharged for the event must be monitored, including the date and duration (in hours) and rainfall (in inches) for storm event(s) sampled. The duration between the storm

event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event must be a minimum of 72 hours. This information must be recorded as part of the sampling procedure and records retained according to Part I.B. of this permit.

c. The volume may be measured using flow measuring devices, or estimated based on a modification of the Rational Method using total depth of rainfall, the size of the drainage area serving a stormwater outfall, and an estimate of the runoff coefficient of the drainage area. This information must be recorded as part of the sampling procedure and records retained according to Part I.B. of this permit.

2. Stormwater Sampling

a. A grab sample, if required by this permit, shall be taken during the first thirty minutes of the discharge (or as soon thereafter as practicable); and a flow-weighted composite sample, if required by this permit, shall be taken for the entire event or for the first three hours of the event.

b. All test procedures will be in accordance with part I.B. of this permit.

C. COOLING WATER INTAKE STRUCTURE (CWIS) REQUIREMENTS

1. The cooling water intake structure used by the permittee has been evaluated using available information. At this time, the Department has determined that the cooling water intake structure represents the interim best technology available (BTA) to minimize adverse environmental impact in accordance with Section 316(b) of the Federal Clean Water Act (33 U.S.C. section 1326).

2. The permittee is required to operate and maintain the CWIS in a manner that minimizes impingement and entrainment levels. Documentation detailing the steps that have and are being taken to minimize the impingement and entrainment levels shall be maintained on site and made available upon request.

3. Nothing in this Permit authorizes take for the purposes of a facility compliance with the Endangered Species Act. Under the Endangered Species Act, take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct, of endangered or threatened species.

4. The permittee shall submit the information for the CWIS as required by 40 CFR 122.21(r) by December 31, 2023.

5. The Permittee must keep records of all submissions that are part of the permit application pertaining to the CWIS until the subsequent permit is issued to the Permittee.

6. The Permittee's permit application must contain readily available information, at the time of permit application development, in identifying all Federally-listed threatened and endangered species and/or designated critical habitat that are or may be present in the action area.

7. The Permittee must conduct weekly visual inspections or employ remote monitoring devices during the period the cooling water intake structure is in operation. This condition is only applicable if control technologies are being employed to comply with final BTA standards for impingement mortality.

8. The Permittee is required to submit an Annual Certification to the Department no later than January 28th of each year. The Annual Certification shall detail if any changes have been made to impact the operation of the CWIS structure.

D. EFFLUENT TOXICITY LIMITATIONS AND BIOMONITORING REQUIREMENTS

1. The permittee shall perform short-term chronic toxicity tests on the wastewater discharges required to be tested for chronic toxicity by Part I of this permit.

a. Test Requirements

(1) The samples shall be diluted using appropriate control water, to the Instream Waste Concentration (IWC) which is 2% effluent. The IWC is the actual concentration of effluent, after mixing, in the receiving stream during a 7-day, 10-year flow period.

(2) Any test result that shows a statistically significant reduction in survival, growth, or reproduction between the control and the test at the 95% confidence level indicate chronic toxicity and constitute noncompliance with this permit.

b. General Test Requirements

(1) A minimum of three (3) composite samples shall be obtained for use in the above biomonitoring tests and collected every other day so that the laboratory receives water samples on the first, third, and fifth day of the seven-day test period. The holding time for each sample shall not exceed 36 hours. The control water shall be a water prepared in the laboratory in accordance with the EPA procedure described in EPA 821-R-02-013 or the most current edition or another control water selected by the permittee and approved by the Department.

(2) Effluent toxicity tests in which the control survival is less than 80%, P. promelas dry weight per surviving control organism is less than 0.25 mg, Ceriodaphnia number of young per surviving control organism is less than 15, Ceriodaphnia reproduction where less than 60% of surviving control females produce three broods or in which the other requirements of the EPA Test Procedure are not met shall be unacceptable and the permittee shall rerun the tests as soon as practical within the monitoring period.

(3) In the event of an invalid test, upon subsequent completion of a valid test, the results of all tests, valid and invalid, are reported with an explanation of the tests performed and results.

c. Reporting Requirements

(1) The Permittee shall notify the Department in writing within 48 hours after toxicity has been demonstrated by the scheduled test(s).

(2) Biomonitoring test results obtained during each monitoring period shall be summarized and reported using the appropriate Discharge Monitoring Report (DMR) form approved by the Department. In accordance with Section 2 of this part, an effluent toxicity report containing the information in Section 2 shall be included with the DMR. Two copies of the test results must be submitted to the Department no later than 28 days after the month in which the tests were performed.

d. Additional Testing Requirements

(1) If chronic toxicity is indicated (noncompliance with permit limit), the permittee shall perform two additional valid chronic toxicity tests in accordance with these procedures to determine the extent and duration of the toxic condition. The toxicity tests shall run consecutively beginning on the first calendar week following the date on which the permittee became aware of the permit noncompliance and the results of these tests shall be submitted no later than 28 days following the month in which the tests were performed.

(2) After evaluation of the results of the follow-up tests, the Department will determine if additional action is appropriate and may require additional testing and/or toxicity reduction measures. The permittee may be required to perform a Toxicity Identification Evaluation (TIE) and/or a Toxicity Reduction Evaluation (TRE). The TIE/TRE shall be performed in accordance with the most recent protocols/guidance outlined by EPA (e.g., EPA/600/2-88/062, EPA/600/R-92/080, EPA/600/R-91-003, EPA/600/R-92/081, EPA/833/B-99/022 and/or EPA/600/6-91/005F, etc.)

e. Test Methods

(1) The tests shall be performed in accordance with the latest edition of the "EPA Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms". The Larval Survival and Growth Test, Methods 1000.0, shall be used for the fathead minnow (*Pimephales promelas*) test and the Survival and Reproduction Test, Method 1002.0, shall be used for the cladoceran (*Ceriodaphnia dubia*) test.

2. Effluent Toxicity Testing Reports

The following information shall be submitted with each discharge monitoring report unless otherwise directed by the Department. The Department may at any time suspend or reinstate these requirements or may decrease or increase the frequency of submittals.

a. Introduction

(1) Facility name, location, and county

(2) Permit number

(3) Toxicity testing requirements of permit

(4) Name of receiving water body

(5) Contract laboratory information (if tests are performed under contract)

(a) Name of firm
(b) Telephone number
(c) Address

(6) Objective of test

b. Plant Operation

(1) Discharge Operating schedule (if other than continuous)

(2) Volume of discharge during sample collection to include Mean daily discharge on sample collection dates (MGD, CFS, GPM)

(3) Design flow of treatment facility at time of sampling

c. Source of Effluent and Dilution Water

(1) Effluent samples

(a) Sampling point
(b) Sample collection dates and times (to include composite sample start and finish times)
(c) Sample collection method
(d) Physical and chemical data of undiluted effluent samples (water temperature, pH, alkalinity, hardness, specific conductance, total residual chlorine (if applicable), etc.)
(e) Lapsed time from sample collection to delivery
(f) Lapsed time from sample collection to test initiation
(g) Sample temperature when received at the laboratory

(2) Dilution Water

(a) Source
(b) Collection/preparation date(s) and time(s)
(c) Pretreatment (if applicable)
(d) Physical and chemical characteristics (water temperature, pH, alkalinity, hardness, specific conductance, etc.)

d. Test Conditions

(1) Toxicity test method utilized

(2) End point(s) of test

(3) Deviations from referenced method, if any, and reason(s)

(4) Date and time test started

(5) Date and time test terminated

(6) Type and volume of test chambers

(7) Volume of solution per chamber

(8) Number of organisms per test chamber

(9) Number of replicate test chambers per treatment

(10) Test temperature, pH, and dissolved oxygen as recommended by the method (to include ranges)

(11) Specify if aeration was needed

(12) Feeding frequency, amount, and type of food

(13) Specify if (and how) pH control measures were implemented

(14) Light intensity (mean)

e. Test Organisms

(1) Scientific name

(2) Life stage and age

(3) Source

(4) Disease(s) treatment (if applicable)

f. Quality Assurance

(1) Reference toxicant utilized and source

(2) Date and time of most recent chronic reference toxicant test(s), raw data and current control chart(s). The most recent chronic reference toxicant test shall be conducted within 30 days of the routine.

(3) Dilution water utilized in reference toxicant test

(4) Results of reference toxicant test(s) (NOEC, IC25, PASS/FAIL, etc.), report concentration response relationship and evaluate test sensitivity

(5) Physical and chemical methods utilized

g. Results

(1) Provide raw toxicity data in tabular form, including daily records of affected organisms in each concentration (including controls) and replicate

(2) Provide table of endpoints: NOECs, IC25s, PASS/FAIL, etc. (as required in the applicable NPDES permit)

(3) Indicate statistical methods used to calculate endpoints

(4) Provide all physical and chemical data required by method

(5) Results of test(s) (NOEC, IC25, PASS/FAIL, etc.), report concentration-response relationship (definitive test only), report percent minimum significant difference (PMSD) calculated for sub-lethal endpoints determined by hypothesis testing.

h. Conclusions and Recommendations

(1) Relationship between test endpoints and permit limits

(2) Actions to be taken

1/ Adapted from "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms", Fourth Edition, October 2002 (EPA 821-R-02-013), Section 10, Report Preparation

E. ASH POND SEEP IDENTIFICATION AND CORRECTIVE ACTION

The Permittee shall develop and implement an Ash Pond Seep Identification and Corrective Action Plan within 90 days from the effective date of the Permit. When requested by the Director or his designee, the Permittee shall make the plan available for Department review. The plan shall provide for weekly inspections. If a seep is identified during an inspection, the Permittee must provide corrective action as soon as feasible. A log of the inspections shall be maintained at the facility and shall be available for inspection by representatives of the Department. The log shall contain records of all inspections performed for the last three years and each entry shall be signed by the person performing the inspection. The Permittee shall submit an annual report by January 28th of each year detailing any identified seeps and corrective actions taken during the previous calendar year. The first report is due January 28, 2021 for calendar year 2020.

F. ASH POND DEWATERING PLAN

The Permittee shall perform all ash pond dewatering activities in accordance with an Ash Pond Dewatering Plan approved by the Department. The plan shall be modified, if necessary, as soon as possible subsequent to the receipt of comments from the Department.

G. 316(a) THERMAL VARIANCE CONTINUANCE

A variance request under CWA Section 316(a) for the thermal component of the discharge must be filed with the application for permit renewal in accordance with 40 CFR Part 125.70 Subpart H – Criteria for Determining Alternative Effluent Limitations Under Section 316(a) of the Act and 40 CFR 122.21(m)(6) Subpart B – Permit Application and Special NPDES Program Requirements, Variance Requests by Non-POTWs. The request to continue the variance must be received with the application for renewal of the NPDES permit 180 days prior to permit expiration. At a minimum, the application shall include necessary technical data and relevant information to include data collected within the life of the permit to support the request for a variance continuation.

The Permittee shall conduct a 316(a) study during the permit cycle. A 316(a) study plan shall be submitted to the Department for review within 365 days of the effective date of this permit and shall be revised as soon as practical based upon subsequent receipt of comments. After the study plan has been approved by the Department, the Permittee shall complete the study and submit the results to the Department 365 days prior to the expiration date of this permit.

ADEM PERMIT RATIONALE

PREPARED DATE: April 12, 2023
PREPARED BY: Theo Pinson

Permittee Name: Alabama Power Company

Facility Name: E.C. Gaston Steam Electric Plant

Permit Number: AL0003140

PERMIT IS A MODIFICATION

Discussion:
The United States Environmental Protection Agency (EPA) published updated 40 CFR Part 423 Steam Electric Power Generating Effluent Limitation Guidelines (ELG) and Standards via a final rule in the Federal Register on November 3, 2015 (2015 ELGs). The 2015 ELGs were subject to multiple legal challenges and EPA received two petitions for administrative reconsideration. On September 18, 2017, EPA issued "Postponement of Certain Compliance Dates for the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category" (Postponement Rule) which extended the earliest compliance date for ELGs applicable to Flue Gas Desulfurization (FGD) wastewater and Bottom Ash Transport Water (BATW). Additionally, in 2018, EPA agreed to reconsider the effluent guidelines applicable to FGD wastewater and BATW. On August 31, 2020, EPA finalized a rule revising the 40 CFR Part 423 Steam Electric Power Generating Effluent Guidelines and Standards for FGD wastewater and BATW ("Reconsideration Rule"). The rule was published in the Federal Register on October 13, 2020. The publication set an effective date for the rule of December 14, 2020. On March 7, 2023, EPA proposed changes to the Steam Electric Effluent Limitation Guidelines. EPA made the following statement in the pre-publication notice, "EPA has continually stressed, since the announcement of this supplemental rulemaking, that the 2015 and 2020 limitations (or lack thereof) continue to apply." Should EPA promulgate new effluent limitation guidelines, the Department may reopen the permit to incorporate the requirements of a promulgated final rule.

The Department issued NPDES Permit AL0003140 on April 1, 2020 with an effective date of April 1, 2020. The final permit maintains the effluent limitations that were in effect upon issuance of the permit, which were the 2015 ELGs. The Reconsideration Rule was published after the effective date of the permit. Alabama Power Company (APC) timely applied for a modification of the permit to incorporate provisions of the Reconsideration Rule. Additionally, the Department has proposed modifications to the permit, as applicable, to ensure that the permit includes the current requirements of the Reconsideration Rule and the 40 CFR Part 423 Steam Electric Power Generating Effluent Guidelines and Standards and updates to reflect the electronic discharge monitoring reporting requirements and mailing addresses due to the transition to the Department's new Alabama Environmental Permitting and Compliance System (AEPACS).

In summary, the Reconsideration Rule establishes requirements for FGD wastewater and BATW applicable to existing steam electric power generators. Key revisions provided by the Reconsideration Rule include changing the technology-basis for treatment, establishing new compliance dates, revising the Voluntary Incentives Program for FGD wastewater, adding compliance options and finalizing requirements for high-flow units, low-utilization units and those that will cease the combustion of coal by 2028, and providing a discharge allowance for BATW of up to a 30-day rolling average of ten percent of the primary active wetted bottom ash system volume.

The E.C. Gaston Steam Electric Plant produces electricity from five operating units that each have the ability to operate on either coal or natural gas. Units 1 – 4 operate primarily on natural gas. Unit 5 operates primarily on coal. Unit 5 is the only unit that utilizes a scrubber; therefore, FGD wastewaters are only generated from the operation of Unit 5 when coal is utilized as the fuel source. Units 1, 2, 3, 4, and 5 each generate BATW when coal is utilized as the fuel source. APC has already completed the installation of the high-recycle rate BATW system for Unit 5.

APC submitted a Notice of Planned Participation to the Department on October 13, 2021 indicating that APC has selected the Permanent Cessation of Coal Combustion FGD compliance option (Unit 5) and the Permanent Cessation of Coal Combustion BATW compliance option (Unit 1, Unit 2, Unit 3, Unit 4 and Unit 5). As allowed by the Reconsideration Rule, the Department has proposed alternative limits that allow for the transfer between compliance options for FGD (Unit 5) and/or BATW (Unit 1, Unit 2, Unit 3, Unit 4 and/or Unit 5) upon timely notification to the Department under 40 CFR § 423.19(i) and subject to the eligibility requirements therein.

APC has requested a change to the description of discharge for stormwater outfalls DSN028 and DSN029 to clarify that stormwater runoff from capped areas of the ash pond footprint that has not had contact with coal combustion residual (CCR) materials may be discharged through the currently permitted stormwater Outfalls DSN028 and DSN029 prior to completion of the entire capping project. APC indicated that the ash pond closure process has been engineered to be progressively capped in sections as the ash is dewatered and consolidated. This modification clarifies that non-contact stormwater from the capped sections of the phased ash pond closure project may be discharged from either/both Outfalls DSN028S and DSN029S. Stormwater that falls upon capped sections of the ash pond (non-contact stormwater) is proposed to be segregated and managed separately from stormwater that falls upon sections of the ash pond that are not yet capped (this water is considered contact stormwater and will be treated and discharged through the dewatering system). The segregation between non-contact and contact stormwater will be achieved by directing any stormwater that falls upon the capped sections of the ash pond project to a series of temporary lined holding ponds, which would then be transported to and discharged from Outfall DSN028S and/or DSN029S.

Based on the information provided by APC, the Department's best professional judgement, and in accordance with the Reconsideration Rule, the following modifications have been proposed:

- Modifications are proposed for the Outfall DSN04F1 (Permit Page 13) numerical limitations and associated footnotes for FGD wastewaters subject to the Generally Applicable FGD ELGs.

- Proposed addition of the Outfall DSN04F2 limitation page (Permit Page 14) for FGD Wastewater discharges subject to the requirements of Low Utilization Electric Generating Units FGD ELGs.

- Proposed addition of the Outfall DSN04F3 limitation page (Permit Page 15) for FGD wastewaters subject to the requirements of the Voluntary Incentives Program FGD ELGs.

- Proposed addition of the Outfall DSN04G1 limitation page (Permit Page 16) for BATW subject to the Generally Applicable BATW ELGs.

- Modification of the descriptions of discharge for stormwater outfalls DSN028 and DSN029 to clarify that stormwater runoff from capped areas of the ash pond footprint that has not had contact with CCR materials may be discharged through the currently permitted stormwater Outfalls DSN028 and DSN029 prior to completion of the entire capping project.

- The Part I.C.c and Part I.C.e permit language has been updated to reflect the electronic discharge monitoring reporting requirements and mailing addresses due to the transition to the Department's new Alabama Environmental Permitting and Compliance System (AEPACS) from the prior E2 Reporting System.

- Proposed modifications to Permit Part I.E, Schedule of Compliance, as follows:

E. SCHEDULE OF COMPLIANCE

1. Except as specified in Part I.E.2, the Permittee shall achieve compliance with the discharge limitations specified in Provision I. A. in accordance with the following schedule:

COMPLIANCE SHALL BE ATTAINED ON THE EFFECTIVE DATE OF THIS PERMIT

2. **40 CFR § 423 Effluent Limitations Guidelines (ELG) which are applicable to Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5 at the facility.**

Citations and references to the Code of Federal Regulations (CFR), 40 CFR § 423, set forth in the following schedule of compliance and elsewhere in this permit refer to the regulations as they were worded on the date this permit was issued.

a) **Fly Ash Transport Water: There shall be no discharge of pollutants in fly ash transport water generated at the facility on and/or after the effective date of this permit.**

b) **Flue Gas Desulfurization (FGD) Wastewater: FGD wastewater is only generated by the operations of Unit 5. Unit 5 shall be subject to only one of the following four compliance options at any given time for the regulation of FGD wastewater discharges. The Permittee submitted a Notice of Planned Participation to the Department on October 13, 2021 indicating the Permittee has selected the Permanent Cessation of Coal Combustion FGD ELGs compliance option. The Department has included alternative limits that allow for the transfer between compliance options upon timely notification to the Department under 40 CFR § 423.19(i) and subject to the eligibility requirements therein. If the Permittee wishes to transfer to a different compliance option for Unit 5, the Permittee must submit a Notice of Planned Participation to the Department in accordance with 40 CFR §§ 423.13(o)(1) & 423.19(i).**

i. **Generally Applicable FGD ELGs: Beginning no later than December 31, 2025, the Permittee shall demonstrate compliance with the Generally Applicable FGD ELGs through the monitoring requirements proposed for Internal Outfall DSN04F1 (Permit Page 13) for FGD wastewater generated by Unit 5 at the facility on and/or after that date.**

ii. **Low Utilization Electric Generating Units FGD ELGs: The term "low utilization electric generating unit" means any electric generating unit for which the facility owner certifies, and annually recertifies, under 40 CFR § 423.19(e) that the two-year average annual capacity utilization rating is less than 10 percent. Beginning no later than December 31, 2023, the Permittee shall demonstrate compliance with the Low Utilization Electric Generating Unit FGD ELGs through the monitoring requirements for the Outfall DSN04F2 limitation page (Permit Page 14) for FGD wastewater generated by Unit 5 at the facility on and/or after that date.**

iii. **Permanent Cessation of Coal Combustion FGD ELGs: The term "permanent cessation of coal combustion" means the owner or operator certifies under § 423.19(f) that an electric generating unit will cease combustion of coal no later than December 31, 2028. The Permittee shall demonstrate compliance with this compliance option through the monitoring requirements on the Outfall DSN0042 limitation pages (Permit Pages 2, 3, 4, and 5) or the Outfall DSN0043 limitation pages (Permit Pages 6, 7, and 8).**

iv. **Voluntary Incentives Program FGD ELGs: Beginning no later than December 31, 2028, the Permittee shall demonstrate compliance with the Voluntary Incentives Program FGD ELGs through the monitoring requirements on the Outfall DSN04F3 limitation page (Permit Page 15) for FGD wastewater generated by Unit 5 at the facility on and/or after that date.**

c) **Bottom Ash Transport Water (BATW): BATW is generated by the operations of Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5. Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5 shall each be subject to only one of the following three compliance options for the regulation of BATW discharges. The Permittee submitted a Notice of Planned Participation to the Department on October 13, 2021 indicating the Permittee has selected the Permanent Cessation of Coal Combustion BATW ELGs compliance option for Unit 1, Unit 2, Unit 3, Unit 4, and Unit 5. The Department has included alternative limits that allow for the transfer between compliance options upon timely notification to the Department under 40 CFR § 423.19(i) and subject to the eligibility requirements therein. If the Permittee wishes to transfer to a different compliance option for Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5, the Permittee must submit a Notice of Planned Participation to the Department in accordance with 40 CFR §§ 423.13(o)(1) & 423.19(i).**

i. **Generally Applicable BATW ELGs: Beginning no later than December 31, 2025, there shall be no discharge of pollutants in bottom ash transport water generated from the operation of Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5 on and/or after that date subject to the following conditions and additionally excluding BATW that is used in the FGD scrubber. In accordance**

with 40 CFR § 423.13(k)(1)(i), when BATW is used in the FGD scrubber, it ceases to be BATW, and instead is FGD wastewater, which must meet the requirements for FGD wastewaters that are applicable at that time. The discharge of pollutants in BATW from a properly installed, operated, and maintained bottom ash system is authorized under the following conditions:

- To maintain system water balance when precipitation-related inflows are generated from storm events exceeding a 10-year storm event of 24-hour or longer duration (e.g., 30-day storm event) and cannot be managed by installed spares, redundancies, maintenance tanks, and other secondary bottom ash system equipment; or

- To maintain system water balance when regular inflows from wastestreams other than BATW exceed the ability of the bottom ash system to accept recycled water and segregating these other wastestreams is not feasible; or

- To maintain system water chemistry where installed equipment at the facility is unable to manage pH, corrosive substances, substances or conditions causing scaling, or fine particulates to below levels which impact system operation or maintenance; or

- To conduct maintenance not otherwise included in the previous three bullet points and not exempted from the definition of transport water in 40 CFR §423.11(p), and when water volumes cannot be managed by installed spares, redundancies, maintenance tanks, and other secondary bottom ash system equipment.

The total volume of BATW that may be discharged shall be reduced or eliminated to the extent achievable using control measures (including best management practices) that are technologically available and economically achievable in light of best industry practice. The total volume of the discharge authorized shall not exceed a 30-day rolling average of ten percent of the primary active wetted bottom ash system volume. The volume of daily discharges used to calculate the 30-day rolling average shall be calculated using measurements from flow monitors. The term "primary active wetted bottom ash system volume" means the maximum volumetric capacity of bottom ash transport water in all non-redundant piping (including recirculation piping) and primary bottom ash collection and recirculation loop tanks (e.g., bins, troughs, clarifiers, and hoppers) of a wet bottom ash system, excluding the volumes of surface impoundments, secondary bottom ash system equipment (e.g., installed spares, redundancies, and maintenance tanks), and non-bottom ash transport systems that may direct process water to the bottom ash.

After the Permittee submits an initial certification statement in accordance with 40 CFR § 423.19(c) (if applicable), the Department may reopen the permit to incorporate more stringent requirements for the allowable percentage of the total primary active wetted bottom ash volume of BATW that may be discharged.

ii. Low Utilization Electric Generating Units BATW ELGs - The term "low utilization electric generating unit" means any electric generating unit for which the facility owner certifies, and annually recertifies, under 40 CFR §423.19(e) that the two-year average annual capacity utilization rating is less than 10 percent. The Permittee shall demonstrate compliance with this compliance option through the monitoring requirements on the Outfall DSN0042 limitation pages (Permit Pages 2, 3, 4, and 5) or the Outfall DSN0043 limitation pages (Permit Pages 6, 7, and 8) and shall incorporate the elements of a best management practices plan in accordance with 40 CFR §423.13(k)(3).

iii. Permanent Cessation of Coal Combustion BATW ELGs - The term "permanent cessation of coal combustion" means the owner or operator certifies under 40 CFR §423.19(f) that an electric generating unit plans to cease combustion of coal no later than December 31, 2028. For BATW generated by one or more units that will achieve permanent cessation of coal combustion by December 31, 2028, the Permittee shall demonstrate compliance through the monitoring requirements on the Outfall DSN0042 limitation pages (Permit Pages 2, 3, 4, and 5) or the Outfall DSN0043 limitation pages (Permit Pages 6, 7, and 8).

d) Transfer Between Compliance Options: For Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5, in accordance with 40 CFR § 423.13 (o)(1), the Permittee has requested the ability to transfer to/from the above-referenced FGD wastewater and BATW compliance options. The Department has proposed alternative limits for the Generally Applicable FGD ELGs, Low Utilization Electric Generating Unit FGD ELGs, the Permanent Cessation of Coal Combustion FGD ELGs, the Voluntary Incentives Program FGD ELGs, Generally Applicable BATW ELGs, the Low Utilization Electric Generating Unit BATW ELGs, and the Permanent Cessation of Coal Combustion BATW ELGs.

i. If the Permittee intends to transfer to a different compliance option for FGD Wastewater (Unit 5) and/or BATW (Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5), the Permittee shall submit a Notice of Planned Participation, in accordance with 40 CFR § 423.19(i), to the Department no later than the dates outlined below. Upon timely submission of a Notice to the Department, the unit(s) (i.e., Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5) shall become subject to the permit conditions applicable to the chosen compliance option.

On or before December 31, 2023, the Permittee may transfer:

- From the Permanent Cessation of Coal Combustion FGD and/or BATW ELGs to the Low Utilization Electric Generating Unit FGD and/or BATW ELGs; or
- From the Voluntary Incentives Program FGD ELGs and/or the Generally Applicable BATW ELGs to the Low Utilization Electric Generating Unit FGD and/or BATW ELGs.

On or before December 31, 2025, the Permittee may transfer:

- From the Voluntary Incentives Program FGD ELGs to the Permanent Cessation of Coal Combustion FGD ELGs; or
- From the Permanent Cessation of Coal Combustion FGD and/or BATW ELGs to the Voluntary Incentives Program FGD ELGs and/or the Generally Applicable BATW ELGs; or
- From the Low Utilization Electric Generating Unit FGD and/or BATW ELGs to the Generally Applicable FGD and/or BATW ELGs; or
- From the Low Utilization Electric Generating Unit FGD and/or BATW ELGs to the Voluntary Incentives Program FGD ELGs and/or the Generally Applicable BATW ELGs; or
- From the Low Utilization Electric Generating Unit FGD and/or BATW ELGs to the Permanent Cessation of Coal Combustion FGD and/or BATW ELGs.

ii. The Permittee must be in compliance with all of its currently applicable requirements to be eligible to file a notice under 40 CFR § 423.19(i) and to become subject to a different set of applicable requirements.

iii. Where the unit(s) (i.e., Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5) for which the Permittee is seeking a transfer described in 40 CFR § 423.13(o)(1)(ii) is currently subject to more stringent requirements than the requirements being sought, said unit(s) must continue to meet those more stringent requirements.

e) Reporting and Recordkeeping Requirements: The Permittee shall comply only with the reporting and recordkeeping requirements set out below that are applicable to Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5 at the time of the deadline(s) established below, or as directed by Part I.E.2.d.iii.

i. Generally Applicable BATW ELGs: If the Permittee intends to discharge BATW from Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5, in accordance with the Generally Applicable BATW ELGs, an initial certification shall be submitted to the Department by December 31, 2025 that includes the requirements specified in 40 CFR § 423.19(c).

ii. Low Utilization Electric Generating Units FGD and/or BATW ELGs: If the Permittee intends for Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5 to qualify as a low utilization electric generating unit, an initial certification shall be made to the Department no later than December 31, 2023, in accordance with 40 CFR § 423.19(e)(3) & (4), and an annual recertification shall be made to the Department within 60 days of submitting annual electricity production data to the Energy Information Administration, in accordance with 40 CFR § 423.19(e)(3) & (4).

1. Low Utilization Electric Generating Units BATW ELGs - If the Permittee intends for Unit 1, Unit 2, Unit 3, Unit 4, and/or Unit 5 to qualify as a low utilization electric generating unit, the Permittee shall submit to the Department an initial certification with a permit application or by October 13, 2023, whichever is later, that includes the requirements specified in 40 CFR § 423.19(d). The Permittee shall thereafter review and update the required best management practices plan, as needed. An annual recertification including the requirements specified in 40 CFR § 423.19(d) shall be submitted to the Department within 60 days of the anniversary of the original plan.

iii. Permanent Cessation of Coal Combustion FGD and/or BATW ELGs: Annually after submission of the Notice of Planned Participation, a progress report shall be filed with the Department which includes the requirements specified in 40 CFR § 423.19(f)(3) & (4).

iv. Voluntary Incentives Program FGD ELGs: Annually after submission of the Notice of Planned Participation, a progress report shall be filed with the Department which includes the requirements specified in 40 CFR § 423.19(h)(3) & (4).

v. Material Delay: Within 30 days of experiencing a material delay in the milestones set forth in the Notice(s) of Planned Participation for the Permanent Cessation of Coal Combustion FGD and/or BATW ELGs and/or the Voluntary Incentives Program FGD ELGs compliance options, and where such a delay may preclude permanent cessation of coal combustion or compliance with the voluntary incentives program requirements by December 31, 2028, the Permittee shall file a notice of material delay with the Department. The contents of the notice shall include the reason for the delay, the projected length of the delay, and a proposed resolution to maintain compliance.

vi. Requirements for facilities seeking the protections of 40 CFR § 423.18: An electric generating unit shall qualify as a low utilization electric generating unit or permanently ceasing the combustion of coal by December 31, 2028, if such qualification would have been demonstrated absent the following qualifying event:

a. An emergency order issued by the Department of Energy under Section 202(c) of the Federal Power Act,

b. A reliability must run agreement issued by a Public Utility Commission, or

c. Any other reliability-related order or agreement issued by a competent electricity regulator (e.g., an independent system operator) which results in that electric generating unit operating in a way not contemplated when the certification was made; or

d. The operation of the electric generating unit was necessary for load balancing in an area subject to a declaration under 42 U.S.C. 5121 et seq., that there exists:

i. An "Emergency," as defined by 42 U.S. Code § 5122 or

ii. A "Major Disaster," as defined by 42 U.S. Code § 5122 and

iii. That load balancing was due to the event that caused the "Emergency" or "Major Disaster" in paragraph (e)(vi)(d) of this section to be declared.

If the Permittee is seeking to apply the protections of the permit conditions in 40 CFR § 423.18, set forth above, and for each instance that 40 CFR § 423.18 is applied, the Permittee shall comply with the requirements of 40 CFR § 423.19(g).

3. For requirements applicable to the permittee identified in the Part I.E.2 schedule of compliance, no later than 14 calendar days following a mandatory obligation, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement. This requirement shall be considered fulfilled if a submission/notification is required and submitted in accordance with Part I.E.2.

LANCE R. LEFLEUR
DIRECTOR

KAY IVEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov
1400 Coliseum Blvd. 36110-2400 ▪ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ▪ FAX (334) 271-7950

FACT SHEET

APPLICATION FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT TO DISCHARGE POLLUTANTS TO WATERS OF THE STATE OF ALABAMA

Date: April 12, 2023

Prepared By: Theo Pinson

NPDES Permit No. AL0003140

1. **Name and Address of Applicant:**

   Alabama Power Company
   Post Office Box 2641, Bin 12N-0830
   Birmingham, Alabama 35291

2. **Name and Address of Facility:**

   E.C. Gaston Steam Electric Plant
   Alabama Highway 25 South
   Wilsonville, Alabama 35186

3. **Description of Applicant's Type of Facility and/or Activity Generating the Discharge:**

   Individual Permit – Steam Electric Generating Plant

4. **Applicant's Receiving Waters**

Receiving Waters	Classification
Coosa River	Public Water Supply, Swimming, Fish & Wildlife
Yellowleaf Creek	Fish & Wildlife

   For the Outfall latitude and longitude, see the permit application.

5. **Permit Conditions:**

   See attached Rationale and Proposed Draft Permit.

6. **PROCEDURES FOR THE FORMULATION OF FINAL DETERMINATIONS**

   a. **Comment Period**

   The Alabama Department of Environmental Management proposes to issue this NPDES permit subject to the limitations and special conditions outlined above. This determination is tentative.

   Interested persons are invited to submit written comments on the draft permit to the following address:

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)

Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)

Jeffery W. Kitchens, Chief
ADEM-Water Division
1400 Coliseum Blvd
[Mailing Address: Post Office Box 301463; Zip 36130-1463]
Montgomery, Alabama 36110-2400
(334) 271-7823
water-permits@adem.alabama.gov

All comments received prior to the closure of the public notice period (see public notice for date) will be considered in the formulation of the final determination with regard to this permit.

b. Public Hearing

A written request for a public hearing may be filed within the public notice period and must state the nature of the issues proposed to be raised in the hearing. A request for a hearing should be filed with the Department at the following address:

Jeffery W. Kitchens, Chief
ADEM-Water Division
1400 Coliseum Blvd
[Mailing Address: Post Office Box 301463; Zip 36130-1463]
Montgomery, Alabama 36110-2400
(334) 271-7823
water-permits@adem.alabama.gov

The Director shall hold a public hearing whenever it is found, on the basis of hearing requests, that there exists a significant degree of public interest in a permit application or draft permit. The Director may hold a public hearing whenever such a hearing might clarify one or more issues involved in the permit decision. Public notice of such a hearing will be made in accordance with ADEM Admin. Code r. 335-6-6-.21.

c. Issuance of the Permit

All comments received during the public comment period shall be considered in making the final permit decision. At the time that any final permit decision is issued, the Department shall prepare a response to comments in accordance with ADEM Admin. Code r. 335-6-6-.21. **The permit record, including the response to comments, will be available to the public via the eFile System** http://app.adem.alabama.gov/eFile/ **or an appointment to review the record may be made by writing the Permits and Services Division at the above address.**

Unless a request for a stay of a permit or permit provision is granted by the Environmental Management Commission, the proposed permit contained in the Director's determination shall be issued and effective, and such issuance will be the final administrative action of the Alabama Department of Environmental Management.

d. Appeal Procedures

As allowed under ADEM Admin. Code chap. 335-2-1, any person aggrieved by the Department's final administrative action may file a request for hearing to contest such action. Such requests should be received by the Environmental Management Commission within thirty days of issuance of the permit. Requests should be filed with the Commission at the following address:

Alabama Environmental Management Commission
1400 Coliseum Blvd
[Mailing Address: Post Office Box 301463; Zip 36130-1463]
Montgomery, Alabama 36110-2400

All requests must be in writing and shall contain the information provided in ADEM Admin. Code r. 335-2-1-.04.

Alabama Power

600 North 18th Street
Post Office Box 2641
Birmingham, Alabama 35291

January 11, 2021

VIA E-MAIL

Scott Ramsey
Industrial Section Chief
Alabama Department of Environmental Management
Water Division
P.O. Box 301463
Montgomery, AL 36130-1463

Re: **Request for Confidentiality**

Dear Mr. Ramsey:

Alabama Power Company (Alabama Power) respectfully requests that the Alabama Department of Environmental Management (ADEM) exercise its statutory and regulatory authority[1] to protect from public disclosure certain confidential business information contained in the enclosed correspondence entitled: Request for NPDES Permit Modification for the Ernest C. Gaston Electric Generating Plant (NPDES Permit No. AL0003140) to Incorporate 2020 Steam Electric Reconsideration Rule (hereinafter "Request for NPDES Permit Modification").

Specifically, the enclosed Request for NPDES Permit Modification contains confidential information regarding Alabama Power's installation and optimization of a flue gas desulfurization (FGD) wastewater system at Plant Miller. Alabama Power has included the aforementioned confidential information because it is relevant to ADEM's establishment of compliance dates at Plant Gaston. However, the information is sensitive insofar as it contains discussions and information about a vendor's proprietary treatment process, as well as other protected business information.

Alabama Power has therefore enclosed both a non-redacted version of the Request for NPDES Permit Modification (for ADEM's review), as well as a version that redacts the confidential information (for public disclosure).

ADEM is authorized to protect the aforementioned confidential information from public disclosure pursuant to Ala. Admin. Code r. 335-6-6-.07, which states in pertinent part:

> A request for confidentiality shall include:

[1] ADEM is authorized to protect confidential information from public disclosure pursuant to Ala. Code § 22-22-9(c), Ala. Admin. Code r. 335-6-6-.07, and Ala. Admin. Code r. 335-1-1-.06(2).

(a) A showing that making the information public will divulge unique methods, sales figures or processes, or that the divulgence of the information will otherwise adversely affect the competitive position of the requester.

(b) A showing of statutory authority such as would empower the Department to hold such information confidential.[2]

As stated above—and as ADEM can verify by reading the non-redacted Request for NPDES Permit Modification—the redacted language includes information regarding optimization "methods" and "processes," disclosure of which would "adversely affect the competitive position" of one of Alabama Power's vendors. Public disclosure of this information would also be directly adverse to Alabama Power's own interests, as such disclosure could jeopardize Alabama Power's business relationships, as well as potentially subject Alabama Power to contractual liability and adversely affect the company's competitive position in the industry.

ADEM has express "statutory authority . . . to hold such information confidential"[3] pursuant to Ala. Code § 22-22-9(c) of the Alabama Water Pollution Control Act, which states:

> [U]pon a showing satisfactory to the commission by any person that records, reports or information, or a particular part thereof . . . if made public, would divulge production or sales figures or methods, processes or production unique to such person or would otherwise tend to affect adversely the competitive position of such person by revealing trade secrets, the commission shall consider such record, report or information, or particular portion thereof, confidential in the administration of this chapter.

Furthermore, the Supreme Court of Alabama has recognized an exception to the Alabama Open Records Act for certain sensitive information received by state agencies in confidence. *See Stone v. Consol. Publ'g Co.*, 404 So. 2d 678, 681 (Ala. 1981).

In light of the foregoing, confidential information submitted to ADEM, such as that contained in the redacted portions of the Request for NPDES Permit Modification, must not be disclosed to the public under an open records request or otherwise.

Alabama Power is grateful for this opportunity to provide ADEM with information relevant to its modification of Plant Gaston's NPDES permit. If ADEM requires any additional information, or if Alabama Power can assist in any other manner, please do not hesitate to contact us at your convenience.

[2] Ala. Admin. Code r. 335-6-6-.07(4).

[3] *Id.* r. 335-6-6-.07(4)(b).

Sincerely,

Mike Godfrey
Alabama Power - Environmental Affairs

Alabama Power

600 North 18th Street
Post Office Box 2641
Birmingham, Alabama 35291

January 11, 2021

VIA E-MAIL

Scott Ramsey
Industrial Section Chief
Alabama Department of Environmental Management
Water Division
P.O. Box 301463
Montgomery, AL 36130-1463

Re: **Request for NPDES Permit Modification for the Ernest C. Gaston Electric Generating Plant (NPDES Permit No. AL0003140) to Incorporate 2020 Steam Electric Reconsideration Rule**

Dear Mr. Ramsey:

In accordance with Ala. Admin. Code r. 335-6-6-.17 and Part II.E.4.b. of the April 1, 2020 NPDES Permit No. AL0003140 for the Ernest C. Gaston Electric Generating Plant (Plant Gaston),[1] please allow this to serve as Alabama Power Company's (Alabama Power or company) application and request to modify the above-referenced permit to incorporate conditions and limitations in accordance with the U.S. Environmental Protection Agency's (EPA) 2020 Steam Electric Reconsideration Rule (2020 Reconsideration Rule).[2]

I. Background

In 2015, EPA published a new rule entitled Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category (2015 ELG Rule).[3] The Rule established new best available technology economically achievable (BAT) effluent limitations and associated compliance timelines for flue gas desulfurization (FGD) wastewater, bottom ash transport water (BATW), and fly ash transport water (FATW), among others. The rule stated that these new effluent limitations were to be complied with "as soon as possible beginning November 1, 2018" but, in any case, "no later than December 31, 2023[.]"[4] Numerous legal challenges and petitions to reconsider the

[1] *See* Part II.E.4.b. Plant Gaston NPDES Permit (Apr. 1, 2020), http://lf.adem.alabama.gov/WebLink/DocView.aspx?id=104276466&dbid=0&cr=1.

[2] *See generally* Steam Electric Reconsideration Rule, 85 Fed. Reg. 64,650 (final rule issued on Oct. 13, 2020) (codified at 40 C.F.R. pt. 423).

[3] *See* 80 Fed. Reg. 67,838 (final rule issued on Nov. 3, 2015).

[4] *Id.* at 67,854.

2015 ELG Rule were subsequently filed. In light of these disputes, EPA agreed in April 2017 to reconsider the 2015 Rule altogether.[5] With regard to the 2015 ELG Rule's BAT effluent limitations for FGD wastewater and BATW in particular, EPA decided to undertake an entirely new rulemaking.[6] In the meantime, EPA postponed the 2015 ELG Rule's earliest compliance dates for FGD wastewater and BATW from November 1, 2018 to November 1, 2020.[7]

EPA published a proposed Reconsideration Rule for FGD wastewater and BATW in the Federal Register on November 22, 2019.[8] The final 2020 Reconsideration Rule was published in the Federal Register on October 13, 2020, and the effective date of the Rule was December 14, 2020.[9]

With respect to Plant Gaston, on October 31, 2018, Alabama Power submitted a letter to the Alabama Department of Environmental Management (ADEM) requesting and justifying dates for the facility's compliance with the FGD wastewater and BATW effluent limitations set out in EPA's 2015 ELG Rule.[10] Alabama Power supplemented the information in its October 31, 2018 letter with a second letter that it submitted to ADEM on March 24, 2020.[11] Among other things, Alabama Power explained that the aforementioned legal and regulatory activity had the potential to impact the ultimate fate of the 2015 ELG Rule and thus effectively prevented Alabama Power from progressing beyond a certain point in taking steps toward compliance with the 2015 ELG Rule.[12] ADEM evaluated the information included in Alabama Power's letter, applied it to the "as soon as possible" factors set out in 40 C.F.R. § 423.11(t), and issued a draft permit for public notice and comment on December 6, 2019, that included provisions

[5] *See* Letter from E. Scott Pruitt, Admin., EPA, to Harry M. Johnson, Hunton & Williams, LLP, and Major Clark and Kevin Bromberg, U.S. Small Business Administration (Apr. 12, 2017), https://www.epa.gov/sites/production/files/2017-04/documents/steam-electric-elg_uwag-sba-petition_epa-response_04-12-2017.pdf.

[6] *See* Letter from E. Scott Pruitt, Admin., EPA, to Harry M. Johnson, Hunton & Williams, LLP, and Major Clark and Kevin Bromberg, U.S. Small Business Administration (Aug. 11, 2017), https://www.epa.gov/sites/production/files/2017-08/documents/steam-electric-elg_epa-letter-to-petitioners_08-11-2017.pdf.

[7] Postponement of Certain Compliance Dates for the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category, 82 Fed. Reg. 43,494, 43,496 (Sept. 18, 2017) (codified at 40 C.F.R. pt. 423).

[8] 84 Fed. Reg. 64,620 (Nov. 22, 2019).

[9] 85 Fed. Reg. 64,650 (Oct. 13, 2020).

[10] *See* Letter from Mike Godfrey to Scott Ramsey, Justification for Effluent Limitation Guidelines (ELG) Compliance Date at the Ernest C. Gaston Electric Generating Plant (NPDES Permit No. AL0003140) (Oct. 31, 2018), http://lf.adem.alabama.gov/WebLink/DocView.aspx?id=28697937&dbid=0.

[11] *See* Letter from Mike Godfrey to Scott Ramsey, Alabama Power Company—Gaston Steam Plant: NPDES Permit No. AL0003140; Effluent Limitation Guidelines—Additional Bottom Ash Transport Water Information (Mar. 24, 2020), http://lf.adem.alabama.gov/WebLink/DocView.aspx?id=104284391&dbid=0&cr=1.

[12] *See generally* October 31, 2018 Letter, *supra* note 10.

consistent with the 2015 ELG Rule. The public comment period for the draft permit ended on January 31, 2020.

In its response to public comments received on the draft permit, ADEM noted that the permit would eventually need to be modified to account for the 2020 Reconsideration Rule once it was finalized:

> 40 CFR Part 423, Federal Effluent Guidelines and Standards for the Steam Electric Power Generating Point Source Category, is applicable to Plant Gaston. The Environmental Protection Agency (EPA) published updated 40 CFR Part 423 effluent guideline limitations and standards via a final rule in the Federal Register on November 3, 2015 (2015 ELGs) to protect public health and the environment by strengthening the technology-based effluent limitations guidelines (TBELs) and standards . . . . The draft permit includes the applicable TBELs required under 40 CFR Part 423. . . . *The Department recognizes that EPA is going back to rulemaking on the steam electric ELGs, and the permits [sic] contain a reopener provision that allow it to modify the terms of the permit based on new or different ELGs that are promulgated*.[13]

Accordingly, ADEM included a reopener provision in the final permit, which allows the permit to be modified in accordance with ADEM Admin. Code r. 335-6-6-.17 "when the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations[.]"[14] This correspondence and permit modification request is provided consistent with this procedural background and guidance.

The newly published 2020 Reconsideration Rule differs from the 2015 ELG rule in several important respects. To name a few, the 2020 Reconsideration Rule: changes the BAT effluent limitations applicable to FGD wastewater and BATW, including making limitations for certain constituents more stringent; alters the mandatory compliance timelines (including extending the latest "as soon as possible" date from December 31, 2023 to December 31, 2025); adds alternate compliance options, in lieu of complying with the generally applicable limitations; and establishes an "automatic transfer" process allowing regulated entities to transfer among the various compliance options, subject to specified requirements. More specifically, the Rule allows regulated entities to choose either to comply with the Rule's default, generally applicable limitations,[15] or with the conditions and limitations

[13] Response to Comments Alabama Power Company E.C. Gaston Steam Electric Plant Proposed Draft NPDES Permit AL0003140 at 7 (Apr. 1, 2020) (emphasis added), http://lf.adem.alabama.gov/WebLink/DocView.aspx?id=104276462&dbid=0&cr=1.

[14] *See* Part II.E.4.b.(6) Plant Gaston NPDES Permit (Apr. 1, 2020), http://lf.adem.alabama.gov/WebLink/DocView.aspx?id=104276466&dbid=0&cr=1.

[15] 40 C.F.R. §§ 423.13(g)(1)(i) (FGD wastewater), 423.13(k)(1)(i) (BATW).

applicable to one of the following two compliance options[16] (hereinafter collectively referred to as "subcategories" or individually as a "subcategory"):

(1) Low utilization electric generating units (LUEGU);[17] or

(2) Permanent cessation of coal combustion.[18]

If a facility wishes to comply with the permit conditions and effluent limitations associated with either of these subcategories, it may do so by submitting a Notice of Planned Participation (NOPP) to its permitting authority by October 13, 2021.[19] Additionally, the Rule allows facilities to automatically transfer among the various compliance options by filing subsequent NOPPs, subject to various other deadlines and requirements.[20]

II. Permit Modification Request to Incorporate the 2020 Reconsideration Rule

Alabama Power respectfully requests that ADEM include the following FGD wastewater permit conditions in the modified Plant Gaston NPDES permit:

(1) Total suspended solids (TSS) and oil and grease effluent limitations set out in the table following 40 C.F.R. § 423.12(b)(11) for FGD wastewater generated at the facility prior to December 31, 2025.

(2) A December 31, 2025 date for compliance with the generally applicable effluent limitations applicable to FGD wastewater set out in the table following 40 C.F.R. § 423.13(g)(1)(i).

(3) Conditions and limitations for each of the following subcategory compliance options set out in the 2020 Reconsideration Rule for FGD wastewater:

a. LUEGU: Conditions and limitations corresponding to this subcategory, as described in 40 C.F.R. § 423.13(g)(2)(iii), with a "to be determined" compliance date based on a corresponding NOPP Alabama Power may file; compliance with TSS and oil and grease effluent limitations set out in the table following 40 C.F.R. § 423.12(b)(11) shall be required prior to the determined compliance date; and

b. Permanent Cessation of Coal Combustion: Conditions and limitations corresponding to this subcategory, as described in 40 C.F.R. § 423.13(g)(2)(i), with an immediately

[16] Additional subcategories are included in the 2020 Reconsideration Rule but they are not applicable to Plant Gaston and are therefore not discussed herein.

[17] 40 C.F.R. §§ 423.13(g)(2)(iii) (FGD wastewater), 423.13(k)(2)(iii) (BATW).

[18] *Id.* §§ 423.13(g)(2)(i) (FGD wastewater), 423.13(k)(2)(ii) (BATW).

[19] *See id.* §§ 423.19(e)(1), (f)(1).

[20] *See id.* §§ 423.13(o), 423.19(i).

effective compliance date and a "to be determined" permanent cessation of coal combustion date based on a corresponding NOPP Alabama Power may file.

Alabama Power also respectfully requests that ADEM include the following BATW permit conditions in the modified Plant Gaston NPDES permit:

(1) TSS and oil and grease effluent limitations set out in the table following 40 C.F.R. § 423.12(b)(4) for BATW generated at the facility prior to December 31, 2025;

(2) A December 31, 2025 date for compliance with the generally applicable effluent limitations applicable to BATW set out in 40 C.F.R. § 423.13(k)(1)(i), including the right to use BATW in the FGD scrubber (*see id.*) and a "to be determined" 30-day rolling average allowable BATW purge that does not exceed 10 percent of the primary active wetted bottom ash system volume;[21]

(3) Conditions and limitations for each of the following subcategory compliance options set out in the 2020 Reconsideration Rule for BATW:

a. LUEGU: Conditions and limitations corresponding to this subcategory, as described in 40 C.F.R. § 423.13(k)(2)(iii), with an immediately applicable compliance date based on a corresponding NOPP Alabama Power may file and a requirement to develop and implement a best management practices plan for the recycle of BATW, in accordance with 40 C.F.R. § 423.13(k)(3); and

b. Permanent Cessation of Coal Combustion: Conditions and limitations corresponding to this subcategory, as described in 40 C.F.R. § 423.13(k)(2)(ii), with an immediately applicable compliance date and a "to be determined" permanent cessation of coal combustion date based on a corresponding NOPP Alabama Power may file.

Any more stringent effluent limitations applicable to these compliance options apply only to FGD wastewater or BATW, respectively, generated on or after the initial dates for compliance with the more stringent limitations. The more stringent effluent limitations would therefore not apply to any and all "dewatering" of Plant Gaston's onsite storage pond, regardless of when that dewatering actually occurs, so long as this storage pond wastewater is not commingled with any FGD wastewater and/or BATW generated on or after the respective dates of compliance with the more stringent limitations.

Given the timing of this permit modification request and the deadline of October 13, 2021 to file initial NOPPs associated with the above-referenced subcategories, Alabama Power is not at this time selecting its compliance path for Plant Gaston. Instead, the company intends to make that selection on or before October 13, 2021, in accordance with the construct of the 2020 Reconsideration Rule.

[21] 40 C.F.R. § 423.19(c)(1) provides that "an initial certification [for the necessary purge volume] shall be submitted to the permitting authority by the as soon as possible date determined under § 423.11(t)" and Alabama Power intends to provide its certification for Plant Gaston in accordance with this regulation.

Inclusion of the array of permit conditions and effluent limitations for each of the potentially relevant compliance options set forth in the 2020 Reconsideration Rule preserves the Reconsideration Rule's flexibility while Alabama Power continues to analyze the best path forward for Plant Gaston. Incorporation of the compliance options is also important because it permits Alabama Power and Plant Gaston to utilize the automatic transfer provisions included in the 2020 Reconsideration Rule, should the need arise.[22] To that end, Alabama Power respectfully requests that ADEM properly account for this "automatic transfer" possibility in outlining the potential application of the permit conditions and effluent limitations associated with each compliance option in the modified permit for Plant Gaston.

Alabama Power is not required to "justify" or accompany its request for inclusion of the permit conditions and effluent limitations associated with each potentially relevant subcategory with an analysis of the "as soon as possible" regulatory factors. Instead, any such explanation is included in the NOPP filing required for each subcategory. That said, set out below in Part III, Alabama Power has included a high-level discussion of why, in light of the current circumstances, it has requested the subcategories it has for the modified permit. In Part IV, Alabama Power provides its updated justification for the requested December 31, 2025 compliance dates with the generally applicable FGD wastewater and BATW permit conditions and effluent limitations based on the "as soon as possible" factors set out in 40 C.F.R. § 423.11(t).

III. Rationale for Including Conditions and Limitations for Each Relevant Subcategory set out in the 2020 Reconsideration Rule

Including conditions and limitations associated with the subcategories in Plant Gaston's permit for each potentially relevant FGD wastewater and BATW compliance option established under the 2020 Reconsideration Rule is both wholly consistent with the Rule's basic purpose and necessary in light of Alabama Power's continued efforts to evaluate which compliance option is most feasible and appropriate for Plant Gaston. Alabama Power's objective is to identify and pursue an environmental compliance plan that will result in the lowest practicable cost for its customers over time, with due regard for system reliability. Not only does the Rule offer multiple compliance options for study, such options also must be considered and evaluated in the context of the interactive fleet of supply resources that are committed and dispatched to serve expected load obligations as cost-effectively as possible. This analysis, which considers a host of variables such as environmental compliance cost (capital and O&M expense), other unit-specific O&M expense, and estimated cost of replacement capacity (to name a few), is a complicated and detailed exercise. Simply put, additional time is required in order to properly perform the requisite analytical work to guide an informed decision for the benefit of customers.

The preamble and regulatory language of the 2020 Reconsideration Rule separately make it clear that EPA designed the 2020 Reconsideration Rule so that permits could include alternative limitations, thereby creating "flexibilities . . . allowing for a plant with a permit to transfer between two subcategories . . . without undergoing a permit modification."[23] With that goal in mind, the Rule's transfer

[22] *See generally* 40 C.F.R. § 423.13(o)(1).

[23] 85 Fed. Reg. at 64,708.

provision explicitly allows regulated entities to transfer among compliance alternatives "[w]here, in the permit, the permitting authority has included alternative limits subject to eligibility requirements[.]"[24]

Consistent with this basic purpose of the Rule, inclusion of conditions and limitations in Plant Gaston's permit for each of the plausible compliance options for FGD wastewater and BATW will afford Alabama Power the flexibility it needs to determine which compliance option is most feasible and appropriate for Plant Gaston on or before October 13, 2021. As discussed in Part IV below, Alabama Power has already taken steps at Plant Gaston to comply with the generally applicable limitations set forth under the 2020 Reconsideration Rule. However, Alabama Power is still evaluating its compliance options under the Rule—not only for the affected units at Plant Gaston, but also for all of its other affected facilities in the Alabama Power generation system. Choosing a compliance option for Plant Gaston is therefore not only affected by considerations specific to that plant, but also by a wide array of interrelated, system-wide factors that Alabama Power must consider in determining how it can best bring all of its facilities into compliance with the Rule while reliably and economically serving the needs of its customers. Meanwhile, this ongoing, system-wide analytical process is taking place against the backdrop of the COVID-19 pandemic, EPA's changing leadership, and shifting impacts of other regulatory programs.

Thus, although Alabama Power is currently requesting and justifying compliance dates for the Rule's generally applicable limitations, it is possible that market conditions, plant-specific and/or system-wide considerations, and/or the promulgation of new regulations, among other things, could result in one or more units at Plant Gaston opting into one of the compliance subcategories. For example, changes in energy demand, changes in fuel costs, more stringent environmental regulations, and/or increased availability of reliable and cost-effective renewable energy could lead units at Plant Gaston to qualify for the permanent cessation of coal combustion subcategory or cause such units to eventually have a capacity utilization rating low enough to qualify for the low-utilization subcategory. These are just a few examples of circumstances that could render these subcategories realistic compliance options for Plant Gaston. As Alabama Power strives to bring all of its facilities into compliance with the 2020 Reconsideration Rule, it is wholly conceivable that any number of other considerations could lead affected Plant Gaston units to opt into one of these subcategories.

Put simply, in light of all of the outstanding variables and uncertainties that exist at this time, Alabama Power has no option but to take a cautious and conservative approach to its compliance planning at Plant Gaston. To be clear, no determination has been made with regard to Plant Gaston, nor is Alabama Power in a position to make an informed decision in that regard. Accordingly, Alabama Power cannot discard any of the potentially relevant compliance options set forth under the Rule.

Thus, consistent with the 2020 Reconsideration Rule's basic purpose, and in light of Alabama Power's need for flexibility in its ongoing evaluation and planning process, Alabama Power respectfully requests that ADEM include the conditions and limitations outlined in Part II of this correspondence in Plant Gaston's modified permit.

[24] *See* 40 C.F.R. § 423.13(o)(1).

IV. Compliance Date Justifications for the 2020 Reconsideration Rule's Generally Applicable FGD Wastewater and BATW Conditions and Limitations

The 2020 Reconsideration Rule states that facilities opting to comply with the generally applicable limitations for FGD wastewater and BATW must accomplish such compliance "as soon as possible beginning October 13, 2021, but no later than December 31, 2025."[25] As previously stated, Alabama Power is requesting an "as soon as possible" date of December 31, 2025 for compliance with the 2020 Reconsideration Rule's generally applicable limitations for both FGD wastewater and BATW. If Plant Gaston submits a NOPP or NOPPs for the various subcategories prior to December 31, 2025 (or before December 31, 2023, for certain subcategories), the requested December 31, 2025 compliance dates associated with the generally applicable FGD wastewater and BATW conditions and limitations would not be applicable. If, however, Alabama Power does not submit a NOPP or NOPPs for Plant Gaston prior to December 31, 2025 (or December 31, 2023, as applicable), it will be required to comply with the generally applicable conditions and limitations for FGD wastewater and BATW on or before that date.

For both FGD wastewater and BATW, the phrase "as soon as possible" is defined by 40 C.F.R. § 423.11(t) to mean October 13, 2021, "unless the permitting authority establishes a later date, after receiving site-relevant information from the discharger, which reflects a consideration of the following factors:"

(1) Time to expeditiously plan (including to raise capital), design, procure, and install equipment to comply with the requirements of this part.

(2) Changes being made or planned at the plant in response to:

(i) New source performance standards for greenhouse gases from new fossil fuel-fired electric generating units, under sections 111, 301, 302, and 307(d)(1)(C) of the Clean Air Act, as amended, 42 U.S.C. 7411, 7601, 7602, 7607(d)(1)(C);

(ii) Emission guidelines for greenhouse gases from existing fossil fuel-fired electric generating units, under sections 111, 301, 302, and 307(d) of the Clean Air Act, as amended, 42 U.S.C. 7411, 7601, 7602, 7607(d); or

(iii) Regulations that address the disposal of coal combustion residuals as solid waste, under sections 1006(b), 1008(a), 2002(a), 3001, 4004, and 4005(a) of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. 6906(b), 6907(a), 6912(a), 6944, and 6945(a).

(3) For FGD wastewater requirements only, an initial commissioning period for the treatment system to optimize the installed equipment.

(4) Other factors as appropriate.

[25] *Id.* §§ 423.13(g)(1)(i) (FGD wastewater), 423.13(k)(1)(i) (BATW).

A discussion of these factors, as applicable, is set out below to support a December 31, 2025 date for compliance with the FGD wastewater and BATW BAT conditions and limitations set out in the 2020 Reconsideration Rule.

a. FGD Wastewater Applicability Date

Alabama Power respectfully requests a date of December 31, 2025, for compliance with the 2020 Reconsideration Rule's generally applicable BAT limitations for FGD wastewater generated at Plant Gaston. This compliance date is justified based on the discussion in the following subsections.

i. Planning Process at Plant Gaston

A compliance date of December 31, 2025 for FGD wastewater is justified and necessary in light of Alabama Power's ongoing efforts to expeditiously "plan[,] . . . design, procure, and install"[26] a new FGD wastewater treatment system at Plant Gaston, which is anticipated to take several years to complete. Leading up to and following issuance of the 2015 ELG Rule, Alabama Power and its affiliates were proactive in attempting to develop efficient means for controlling the regulated wastewater streams. Specifically, Southern Company, the Electric Power Research Institute (EPRI), Southern Research Institute (SRI), and 14 other companies created a state-of-the-art center that focuses on finding new ways to reduce, conserve, and improve the quality of water returned to the environment from power plants. This center, known as the "Water Research Center" (WRC), is located at Georgia Power Company's Plant Bowen, which is near Cartersville, Georgia. The center has been testing and continues to test multiple potential treatment solutions for current water challenges, as well as those anticipated in the future, and gives industry, community, and media leaders a close-up look at the pioneering technologies that promise to reduce, conserve, and improve water used by power plants in the electric generating process.

One area of WRC focus has been evaluating the technology EPA identified as BAT in the 2020 Reconsideration Rule for FGD wastewater, which is chemical precipitation followed by low hydraulic residence time biological reduction. In addition, several other technologies have been under evaluation at the WRC to determine their respective capabilities, including whether they can consistently treat FGD wastewater to comply with the 2015 ELG's effluent limitations or limitations anticipated in EPA's 2020 Reconsideration Rule. These include technologies from Frontier Water Systems, Inotec, Evoqua, Liberty Hydro, and an in-house biofilm technology. To date, while these technologies have shown some success, no technology, including those utilized by EPA to establish its 2020 BAT limits, has consistently satisfied the effluent limitations. Furthermore, due in part to the incentives programs EPA has proposed, Southern Company has been exploring novel concepts and technologies, such as zero liquid discharge systems, that are not yet proven to be commercially viable and need further development.

Separate and apart from the WRC, Alabama Power commenced its efforts shortly after EPA's promulgation of the 2015 ELG Rule to ensure Plant Gaston would be able to comply with the new BAT effluent limitations for FGD wastewater. This work included a lengthy pilot study of a wood chip biological treatment system, a technology that consists of passive biological vertical flow cells followed

[26] *See id*. §§ 423.11(t)(1), (3).

by reaeration and physical/chemical treatment. This study was conducted in three phases and consisted of two separate treatment trains to allow researchers to adjust multiple parameters and evaluate the corresponding treatment results.

Despite Alabama Power's consistent efforts (individually, and as a part of the WRC team), its FGD wastewater control planning was unavoidably interrupted by EPA's reconsideration of the 2015 ELG Rule. This required Alabama Power to temporarily pause its planning, procurement, construction, and commissioning efforts until the regulatory uncertainty was resolved, and to reconsider higher level assumptions in light of the repeal of the Clean Power Plan (CPP) and EPA's continued efforts to regulate greenhouse gas (GHG) emissions.

Now that the 2020 Reconsideration Rule has been published, Alabama Power has resumed its efforts to evaluate its various options to bring Plant Gaston into compliance with the Rule. Alabama Power expects this compliance option evaluation process to continue for several months (likely until the October 13, 2021 NOPP filing deadline). Accordingly, based on the company's experience with engineering, procurement, and construction schedules (and the additional knowledge of other Southern Company operating companies on this topic), Alabama Power expects projects to implement technologies necessary to comply with the new generally applicable FGD wastewater effluent limitations to span a minimum of 48 months to 60 months.[27] The enclosed timeline/schedule for the currently anticipated construction/installation/optimization of a biological treatment system at Plant Gaston (Enclosure 1) projects approximately five years (even with substantial overlap between aspects of the project) to comply with the new FGD wastewater effluent limitations in the 2020 Reconsideration Rule.[28] Specifically, as Enclosure 1 demonstrates, Alabama Power projects that the FGD wastewater treatment system will not be capable of starting up for an initial commissioning period until September 2024 and, if all goes well, optimization and performance testing will begin in March 2025. Given these projections, it is clear that Plant Gaston will conservatively need until December 31, 2025, to reliably achieve compliance with the generally applicable limitations.

ii. Coordination with Other Regulatory Regimes

A date of December 31, 2025, for compliance with the Rule's generally applicable limitations for FGD wastewater generated at Plant Gaston is further justified by the significant uncertainty created by EPA's continued efforts to regulate GHG emissions. EPA has signaled on several occasions that permitting authorities should consider a permittee's compliance obligations under other environmental regulations when establishing compliance dates related to the effluent limitations for BATW and FGD wastewater. For example, in its response to public comments received on the proposed 2015 ELG Rule, EPA clearly stated that in order to avoid unnecessary investments, the permitting authority may "account

[27] *See also* 85 Fed. Reg. at 64,683 (acknowledging the need for and providing additional time (*i.e.*, until December 31, 2025) for "retrofitting biological treatment systems on a company-wide or industry-wide basis").

[28] *See* Enclosure 1. *See also* 85 Fed. Reg. at 64,683 (acknowledging that "the global pandemic related to COVID-19 has disrupted normal supply chains and forced companies to rethink how construction is conducted, in many cases putting in place additional protocols such as distancing," meaning schedules could be further elongated).

for time the facility needs to coordinate all the requirements of this rule, *along with other regulatory requirements, to make the correct planning and financing decisions, and to implement the new requirements in an orderly and feasible way*."[29] The 2020 Reconsideration Rule maintains this flexibility by defining the phrase "as soon as possible" in a way that explicitly directs permitting authorities to consider a permittee's compliance obligations under other environmental regulations.[30] Based on these and similar statements, it is clear EPA intended permit writers to take steps necessary to avoid duplicative or other sunk costs caused by staggered or currently uncertain compliance obligations.

The future regulation of GHG emissions presents the most significant regulatory unknown that has the potential to dramatically impact Plant Gaston and its operations. On July 8, 2019, EPA published in the Federal Register the final Affordable Clean Energy (ACE) rule, which repealed and replaced EPA's prior regulatory program, the CPP, which would have required fossil fuel power plants to reduce overall GHG emissions (especially carbon dioxide (CO_2)) through generation-shifting.[31] The ACE rule adopts a different approach, requiring states to identify efficiency improvement measures at every coal-fired unit in order to achieve CO_2 emission rate reductions from each unit. However, state plan submittals are not due until three years after publication of the final ACE rule.[32] Therefore, specific obligations will likely not be known until mid-2022. Moreover, the future of the ACE rule is currently unclear and is likely to remain so for some time, given pending legal challenges to the ACE rule and its repeal of the CPP, along with the leadership and policy changes expected at EPA under the Biden administration. Beyond the ACE rule, the Biden transition team has identified additional regulation of the power sector as a "Day 1" priority for the new administration's climate agenda. The transition team's top recommendation for EPA is the formation of a "Clean Air Act rulemaking team[] for . . . the power sector[.]"[33]

In light of the uncertainty involving EPA's GHG regulations for existing facilities, it is essentially impossible at this time for Alabama Power to adequately account for GHG obligations in its ELG implementation plans. Fortunately, EPA has expressly afforded permit writers discretion to tailor compliance dates in consideration of "[c]hanges being made or planned at the plant in response to . . . [e]mission guidelines for greenhouse gases from existing fossil fuel-fired electric generating units, under . . . the Clean Air Act[.]"[34] Thus, ADEM has authority to account for the uncertainty surrounding EPA's regulation of GHG emissions in formulating compliance dates at Plant Gaston.

Due to the uncertainties surrounding the regulation of GHGs, it is unreasonable to rush or force expenditures on costly equipment upgrades. As Alabama Power desires to fulfill all its environmental obligations in a manner that represents the lowest practicable cost for its customers, it asks ADEM to

[29] Response to Comments, Part 8 of 10, at 8-129 (emphasis added).

[30] 40 C.F.R. § 423.11(t)(2).

[31] 84 Fed. Reg. 32,520 (July 8, 2019).

[32] *Id.* at 32,568, 32,581.

[33] Christy Goldfuss, *et al*., Summary Report: Transition Recommendations for Climate Governance and Action 11 (Nov. 2020), https://climate21.org/documents/C21_Summary.pdf.

[34] 40 C.F.R. § 423.11(t)(2)(ii).

ensure Plant Gaston has adequate time in light of the totality of circumstances to integrate the required control technology into plant operations. This GHG regulatory issue—alone—justifies granting Alabama Power's request for a date of December 31, 2025, for compliance with the FGD wastewater effluent limitations.

iii. Additional Time Required to Optimize

Alabama Power's anticipated need to optimize the new FGD wastewater treatment system at Plant Gaston, after the system is planned, designed, and installed, provides further justification for a compliance date of December 31, 2025. Alabama Power is still at an early stage in its compliance evaluation process and cannot yet conclusively predict how much time will be necessary at Plant Gaston for a "commissioning period for the treatment system to optimize" after it is installed.[35] The circumstances with the FGD wastewater treatment system at Alabama Power's Miller Steam Plant are instructive, however, and illustrate why ADEM should provide the company considerable flexibility to ensure the treatment system at Plant Gaston can consistently comply with the 2020 Reconsideration Rule's BAT effluent limitations.

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Despite the fact that certain contingencies, such as those discussed above, cannot be fully accounted for at this time, Alabama Power conservatively estimates that Plant Gaston's FGD wastewater treatment system will be capable of starting up for an initial commissioning period in September 2024, at the earliest. If all goes well, optimization and performance testing are tentatively projected to begin in March 2025 and cannot reasonably be expected to be completed until December 31, 2025.

In the end, the fact that a yet-unknown optimization period will be necessary at Plant Gaston—even after the several years it will take to plan and install the FGD wastewater treatment system—further justifies a compliance date of December 31, 2025.

iv. "Other Factors"

As detailed above, Alabama Power is continuing to evaluate Plant Gaston's compliance options under the 2020 Reconsideration Rule. Thus, although this correspondence justifies compliance dates

[35] *Id.* § 423.11(t)(3).

for application of the Rule's generally applicable limitations to Plant Gaston, it is possible that the facility will choose to opt into one or more subcategories by timely submitting the appropriate NOPP documentation. The preamble to the 2020 Reconsideration Rule makes it clear that "the NPDES permitting authority can properly consider [NOPP filings] in the 'other factors' of 40 CFR 423.11(t)(4)."[36] And, 40 C.F.R. § 423.13(o)(3) provides: "Where a facility seeking a transfer [from certain compliance options to others] is currently subject to more stringent limitations than the limitations being sought, the facility must continue to meet those more stringent limitations." The logical conclusion from these statements in the 2020 Reconsideration Rule is that facilities opting to comply with a compliance subcategory (or considering opting to ultimately comply with such a subcategory) should be afforded additional time for compliance with the generally applicable effluent limitations to avoid the effect of 40 C.F.R. § 423.13(o)(3).

As discussed above, choosing a compliance option for Plant Gaston is a complex matter that necessitates consideration of a variety of plant-specific and system-wide factors, including the current regulatory uncertainty surrounding EPA's regulation of GHG emissions. The time necessary for Alabama Power to perform the requisite analyses to inform a decision whether to submit NOPP documentation on or before December 31, 2025, on behalf of Plant Gaston therefore further justifies a compliance date of December 31, 2025.

Alabama Power also urges ADEM to take into account Plant Gaston's need to coordinate its operations with the rest of the facilities comprising the Southern Company generation system. Such coordination serves to protect and maintain electric service reliability for Alabama Power's customers, as well as other customers served by its affiliated operating companies and other electric utilities across the Southeast. Specifically, flexibility helps to ensure that the planned outages needed to install new wastewater treatment technologies at Plant Gaston are scheduled accordingly so that customer electricity demand can still be met while one or more generating units are temporarily prevented from producing electricity.

In total, Southern Company will likely need to install a total of six FGD treatment systems. The detailed engineering of these systems is unique based on site-specific factors. Therefore, the use of standardized designs and modular construction techniques may not be feasible. This lack of leverage will require dedicated engineering teams working on parallel timelines. The availability of engineering resources, as well as construction labor, will be stretched with the abundance of projects across the industry. Procurement of equipment and material lead times will increase as market demand outpaces vendor supply. The market pressures will be exacerbated by the fact that there are currently very limited process suppliers available whose treatment systems are capable of achieving some level of consistent compliance with the current FGD BAT effluent limitations. And as EPA has noted, "the global pandemic related to COVID-19 has disrupted normal supply chains and forced companies to rethink how construction is conducted[.]"[37] The global pandemic therefore adds an additional layer of complexity to Alabama Power's efforts to plan and coordinate compliance measures at Plant Gaston and across the Southern Company generation system.

[36] 85 Fed. Reg. at 64,708.

[37] *Id.* at 64,683.

Finally, the cost to Alabama Power's customers should not be discounted. Each compliance option available under the 2020 Reconsideration Rule will have short- and/or long-term cost implications at the Plant, with the potential for secondary cost impacts on Alabama Power's overall fleet of supply resources. Alabama Power is authorized by the Alabama Public Service Commission to recover such costs through the rates of its customers. A compliance date of December 31, 2025 will afford Alabama Power the flexibility it needs to evaluate, identify, and implement an economically sound compliance strategy designed to minimize the costs that ultimately flow through the rates of its customers. Alabama Power and its customers should be afforded the opportunity—fully permitted under the existing regulatory framework—to carry out that process in a thorough and comprehensive manner, with an appropriate assessment of all available options.

Accordingly, and for the reasons set out herein, Alabama Power submits that a December 31, 2025 compliance date is the most appropriate at this time.

b. BATW Applicability Date

Alabama Power respectfully requests a date of December 31, 2025, for application of the 2020 Reconsideration Rule's generally applicable limitations to BATW generated at Plant Gaston.[38] A compliance date of December 31, 2025 for BATW generated at Plant Gaston is justified by many of the same considerations that justify and necessitate that compliance date for FGD wastewater.

First, Alabama Power has completed the installation of the high-recycle rate BATW system for Unit 5 at Plant Gaston. However, to bring all units into compliance with the 2020 Reconsideration Rule's generally applicable limitations for BATW, there is still additional infrastructure needed, and Alabama Power anticipates it will take several more months to complete this project. Furthermore, even though this project is well underway, it remains impossible at this time for Plant Gaston to recycle BATW generated by the facility's Units 1-4. Units 1-4 only periodically use coal as a fuel source, but piping and other infrastructure will also need to be installed once the main treatment system project is complete, in order to route this coal-fired wastewater from Units 1-4 to the new BATW treatment system. This will require additional time. A compliance date of December 31, 2025 is therefore supported, in part, by the additional time necessary for Alabama Power to expeditiously "plan[,] . . . design, procure, and install" the necessary equipment to bring Plant Gaston into compliance with the 2020 Reconsideration Rule's generally applicable limitations for BATW.[39]

Even more critically, the regulatory uncertainty associated with EPA's ongoing efforts to regulate GHG emissions[40] is sufficient, on its own, to justify a compliance of December 31, 2025 for

[38] As stated in Part II, Alabama Power further requests that Plant Gaston's modified NPDES permit include the right to use BATW in the FGD scrubber (*see* 40 C.F.R. § 423.13(k)(1)(i)), as well as a provision allowing a maximum "to be determined" 30-day rolling average BATW purge volume that does not exceed 10 percent of the primary active wetted bottom ash system volume, in accordance with 40 C.F.R. § 423.13(k)(2)(i). *See also* 40 C.F.R. § 423.19(c)(1).

[39] *See* 40 C.F.R. § 423.11(t)(1).

[40] *See* Part IV.a.ii. of this correspondence for a detailed discussion of EPA's ongoing efforts to regulate GHG emissions.

BATW. As discussed in Part IV.a.ii. above, it is simply infeasible for Alabama Power to make a rational and calculated decision regarding Plant Gaston's compliance strategy until there is greater clarity on how EPA's GHG regulations will impact Plant Gaston and Alabama Power's generation system as a whole. Fortunately, 40 C.F.R. § 423.11(t)(2)(ii) expressly authorizes permitting authorities to account for permittees' compliance obligations pursuant to "[e]mission guidelines for greenhouse gases from existing fossil fuel-fired electric generating units" in formulating compliance dates under the 2020 Reconsideration Rule. Thus, for the same reasons articulated in Part IV.a.ii. above, a compliance date of December 31, 2025 for BATW is justified and necessary to afford Alabama Power flexibility as it plans Plant Gaston's compliance strategy in light of the evolving regulations that relate to GHG emissions.

Additionally, establishing a BATW compliance date that is different from the December 31, 2025 date that Alabama Power is requesting for FGD wastewater could subject Plant Gaston to incompatible obligations that would make managing the facility's water balance difficult and run contrary to the incentive mechanisms envisioned by the drafters of the 2020 Reconsideration Rule. Specifically, the compliance subcategory options established under the 2020 Reconsideration Rule are designed to provide beneficial incentives to regulated entities that decide to implement more drastic changes than those mandated by the generally applicable limitations. For example, if a facility opts to reduce its capacity utilization rating below 10 percent, it is not required to eliminate its BATW discharges, but rather must simply limit TSS and implement a best management practices plan.[41] Similarly, if a facility opts to permanently cease all coal combustion by December 31, 2028, it is only required to limit TSS in its BATW.[42] These beneficial incentives are, however, only available to plants that have not already achieved compliance with stricter limitations. The Rule makes it clear that when a facility transitions from one compliance option to another, "[w]here a facility . . . is currently subject to more stringent limitations than the limitations being sought, the facility must continue to meet those more stringent limitations."[43]

As expressed throughout this correspondence, Alabama Power is continuing to evaluate its options under the 2020 Reconsideration Rule and may need until December 31, 2025 to determine what compliance option is ultimately most appropriate for affected units at Plant Gaston. And, although Alabama Power is currently requesting and justifying compliance dates for the Rule's generally applicable limitations, it is possible that unit-specific and/or system-wide considerations—including obligations that may arise under EPA's regulation of GHG emissions, among other things—could render

[41] *See generally* 40 C.F.R. § 423.13(k)(2)(iii).

[42] *See generally id.* § 423.13(k)(2)(ii).

[43] *Id.* § 423.13(o)(3). As previously mentioned, the preamble to the 2020 Reconsideration Rule makes it clear that "the NPDES permitting authority can properly consider [NOPP filings] in the 'other factors' of 40 CFR 423.11(t)(4)." 85 Fed. Reg. at 64,708. The logical conclusion from these two propositions in the 2020 Reconsideration Rule is that facilities opting to comply with a compliance subcategory (or considering opting to ultimately comply with such a subcategory) should be afforded additional time for compliance with the generally applicable effluent limitations to avoid the effect of 40 C.F.R. § 423.13(o)(3).

the low-utilization or permanent cessation of coal combustion subcategories relevant compliance options for BATW at Plant Gaston.

Thus, if Plant Gaston's BATW waste stream is subjected to an earlier compliance date than the latest possible date for transferring among certain compliance options (December 31, 2025)[44] or the requested FGD wastewater date of December 31, 2025, Plant Gaston could end up in a situation where it is required to permanently implement the generally applicable limitations for BATW even though the plant might ultimately retire, repower, or substantially reduce its capacity utilization rating. This would prevent Plant Gaston from fully realizing the beneficial incentives the Rule creates for plants that opt to implement these more drastic measures.

Fortunately, nothing in the 2020 Reconsideration Rule requires that Plant Gaston be subjected to this potentially incongruous outcome. Rather, the Rule grants permitting authorities broad discretion to consider a variety of enumerated factors, as well as "[o]ther factors as appropriate"[45]—such as the filing of a NOPP to comply with the various subcategories—in formulating compliance dates under the Rule.

Alabama Power therefore respectfully requests a compliance date of December 31, 2025, for application of the 2020 Reconsideration Rule's generally applicable limitations to BATW generated at Plant Gaston. This compliance date will give Alabama Power the time and flexibility it needs to install all necessary equipment and carefully evaluate and consider its compliance options in light of the uncertainty created by EPA's ongoing and evolving efforts to regulate GHG emissions. This date will also ensure that Plant Gaston's compliance plans for BATW and FGD wastewater can remain coordinated and harmonized with each other and with the subcategory options enumerated in the 2020 Reconsideration Rule.

V. Conclusion

As set forth more specifically in Parts II through IV of this correspondence, Alabama Power requests that Plant Gaston's NPDES permit be modified to include permit conditions and limitations corresponding to each of the potentially viable subcategory compliance options established in the 2020 Reconsideration Rule, as well as December 31, 2025 compliance dates for application of the 2020 Reconsideration Rule's generally applicable limitations to both FGD wastewater and BATW generated at Plant Gaston. Incorporating these conditions and limitations in Plant Gaston's permit will give Alabama Power the flexibility it needs to ultimately choose the best compliance option, as allowed by the 2020 Reconsideration Rule. Such conditions and limitations will also allow Plant Gaston to transfer among compliance alternatives, as allowed by the Rule and subject to its requirements.[46]

Alabama Power is grateful for this opportunity to provide ADEM with information relevant to its requested modification of Plant Gaston's NPDES permit. If ADEM requires any additional information,

[44] *See* 40 C.F.R. § 423.13(o).

[45] *Id.* § 423.11(t)(4).

[46] *See generally id.* § 423.13(o)(1).

or if Alabama Power can assist in any other manner, please do not hesitate to contact us at your convenience.

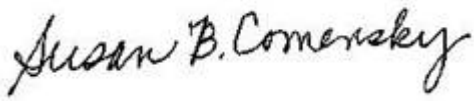
Sincerely,

Mike Godfrey
Alabama Power - Environmental Affairs

* * * * * * * * * * * *

Pursuant to the signatory requirements set out in 40 C.F.R. § 122.22:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

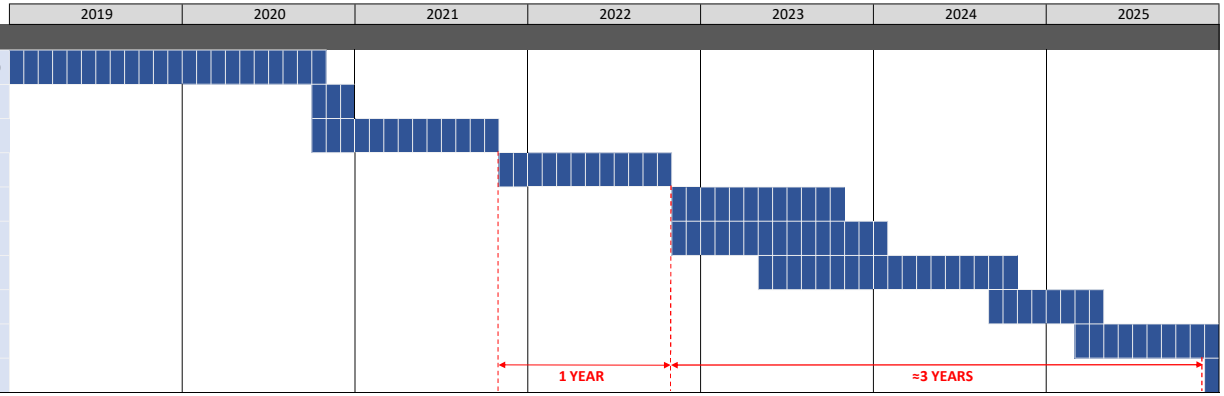


Susan Comensky
Vice President of Environmental Affairs
Alabama Power Company

Enclosure 1

Plant Gaston Potential FGD Compliance Schedule

TASK	START	END
FGD and BATW BAT Promulgation	9/18/2017	10/13/2020
Final ELG Rule Evaluation	10/13/2020	1/1/2021
Notice of Planned Participation Analysis	10/13/2020	10/13/2021
FGD Planning, Design Basis, and Studies	11/1/2021	11/1/2022
FGD Engineering (Detailed Design)	11/1/2022	11/1/2023
FGD Equipment Procurement, Fabrication, Delivery	11/1/2022	2/1/2024
FGD Construction	5/1/2023	11/1/2024
FGD Start-Up and Commissioning	9/1/2024	5/1/2025
FGD Optimization and Performance Testing	3/1/2025	12/31/2025
FGD BAT Applicability per § 40 CFR 423.13(g)	--	12/31/2025



Alabama Power

600 North 18th Street
Post Office Box 2641
Birmingham, Alabama 35291

December 7, 2022

E-Mail Delivery

Mr. Scott Ramsey
Alabama Department of
Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110

Re: **Alabama Power Company – Plant Gaston (NPDES Permit No. AL0003140)**
Permit Modification Request

Dear Mr. Ramsey:

Please find enclosed a request for modification of the Plant Gaston NPDES Permit (No. AL0003140) to incorporate certain stormwater discharges as further described in the attachments, which include general comments and a revised EPA Form 2F.

If you have any additional questions or comments, please contact Zach Ryals at (205) 257-3213.

Sincerely,

Mike Godfrey, □□□r□□Manager
Environmental Affairs

:ZTR

cc: Daphne Lutz
Theo Pinson

General Comments – Form 2F

APC is submitting this updated Form 2F as a permit modification request to discharge stormwater that has not contacted coal combustion residual (CCR) material (i.e., non-contact stormwater) associated with the Plant Gaston ash pond closure, as further described below.

As stated in the previous permit renewal application, the Plant Gaston ash pond is currently undergoing closure, which will result in the creation of two new stormwater ponds to collect and discharge non-contact stormwater from the consolidated and capped CCR material. These ponds are referred to as the West and South ponds, respectively, in APC's most recent permit application and have been assigned unique outfall designators in the current permit (DSN028S for the West Pond, and DSN029S for the South Pond). These two ponds will still be constructed as previously described in the 2019 NPDES permit application.

The ash pond closure process has been engineered to be progressively capped in sections as the ash is dewatered and consolidated, and this modification requests that non-contact stormwater from the capped sections of the phased ash pond closure project be discharged from either/both DSN028S and DSN029S. The ash pond closure project team plans to utilize DSN028S as the primary discharge point for non-contact stormwater from the capped areas until the DSN029S discharge structure has been constructed[1]. Therefore, the subsequent figures and tables within these comments will describe discharges through only DSN028S, with the expectation that non-contact stormwater will eventually be discharged through DSN029S once constructed.

Figure 1 shows an aerial view of the ash pond prior to beginning closure (top frame) as well as the anticipated future post-closure condition of the ash pond (bottom frame). The bottom frame includes the estimated post-closure extents of the CCR material and the future West and South stormwater pond extents.

Figure 2 outlines the extent of each phase of the closure project. Stormwater that falls upon capped sections of the ash pond (non-contact stormwater) will be segregated and managed separately from stormwater that falls upon sections of the ash pond that are not yet capped (this water will be considered contact stormwater and will be treated and discharged through the dewatering system). As shown in the figure, rain that falls upon capped Phases 1a and/or 2 (west area) will be routed to DSN028S via a shared temporary HDPE line for discharge as non-contact stormwater. Similarly, rain that falls upon capped Phases 1b, 3, 4, and/or 5 (south area) will also be routed to DSN028S via another shared temporary HDPE line. Figure 2 also shows a dotted line indicating the discharge conditions for some or all of the stormwater from the south area once DSN029S is constructed.

The segregation between non-contact and contact stormwater will be achieved by directing any stormwater that falls upon the capped sections of the ash pond project to a series of temporary lined holding ponds, where this non-contact stormwater would then be transported to and discharged from DSN028S and/or DSN029S. Engineering calculations show that utilizing these temporary holding ponds and appropriately sized pumps, up to a 1-yr, 24-hr storm event producing approximately 3 inches of rainfall is expected to be discharged through DSN028S and DSN029S as non-contact stormwater. Any rainfall in excess of 3 inches would be directed (via overflow from these temporary holding ponds) to the interior of the ash pond where it would be considered contact water and treated through the dewatering treatment system prior to discharge through DSN0042. Utilizing berms and grading, contact water will not be able to run onto any capped sections of the ash pond (including areas used as temporary holding ponds) or otherwise commingle with non-contact stormwater.

[1] The outfall structure at DSN028S is an existing permanent structure, while the outfall structure at DSN029S will be permanently constructed at a future date. If discharges commence at DSN029S prior to the construction of a permanent outfall structure, adequate bank stabilization (riprap or other temporary stabilizing measure) will be utilized until a permanent structure is installed.

Flow rates of non-contact stormwater are expected to increase over time as the capped surface area within the ash pond closure project increases. Figure 3 shows the anticipated scheduling of each phase throughout the entire closure project, as well as the estimated rainfall volumes and pump rates expected during each phase (note the phases are cumulative). With the completion of each phase, pumps and temporary holding ponds will be added as needed to control the additional non-contact stormwater volumes expected due to the increased capped surface area.

The proposed discharge of this non-contact stormwater is expected to exhibit the same characteristics as stormwater runoff from the consolidated and capped CCR material once the final cover system has been completely installed. Therefore, APC is proposing that this non-contact stormwater be permitted under designators DSN028S and DSN029S, respectively, along with the same sampling parameters and limitations already assigned in the current permit. However, to incorporate the discharges under this modification request, APC proposes the discharge description for DSN028S and DSN029S be revised to read, "Stormwater runoff from capped sections of the ash pond footprint and fire protection system waters," or similar.

Section 1 – Outfall Location

The stormwater discharge points DSN028S and DSN029S are in the current permit as future stormwater outfalls with the description, "Stormwater runoff from the closed ash pond footprint and fire protection system waters." This modification requests that non-contact stormwater be permitted to be discharged through DSN028S and DSN029S prior to the completion of closure. APC proposes that the existing designators of DSN028S/DSN029S be carried forward, with a revised discharge description for each that reads, "Stormwater runoff from capped sections of the ash pond footprint and fire protection system waters," or similar.

As stated previously, APC believes non-contact stormwater discharged prior to complete closure will exhibit the same characteristics as stormwater runoff from the consolidated and capped CCR material once the final cover system has been completely installed; therefore, no changes to the sampling parameters and limitations are necessary.

Section 3 – Site Drainage Map

A site drainage map of the affected area has been provided in Figure 2.

Section 4 – Pollutant Sources

The stormwater outfalls listed in Section 4.1 will receive non-contact stormwater from the various phases of the closure project, which will consist of impervious lined areas. These areas will be lined, graded, and bermed in such a way that it will only be possible for non-contact stormwater to be discharged through these outfalls.

Stormwater that falls within the boundary of these capped areas of the ash pond will be physically separate from any CCR material and/or any stormwater that contacts CCR material. All stormwater that contacts CCR material (or commingles with such contact stormwater) will be treated through the dewatering treatment system prior to discharge through DSN0042.

Section 5 – Non-Stormwater Discharges

No non-stormwater discharge sources exist or will exist other than the currently permitted fire protection system waters.

Section 7.1

Regulated stormwater has historically fallen within the ash pond boundary and discharged through a permitted outfall; therefore, this non-contact stormwater is not a "new source" or "new discharge."

Section 7.2

Samples from these areas could not be obtained because the outfalls are not yet configured for discharge and/or do not yet exist. However, APC expects this non-contact stormwater to exhibit the same characteristics as stormwater that will run off the consolidated and capped CCR material once the final cover system has been completely installed. Therefore, APC is proposing that this non-contact stormwater be permitted under designators DSN028S and DSN029S, respectively, with the same sampling parameters and limitations already assigned in the current permit.

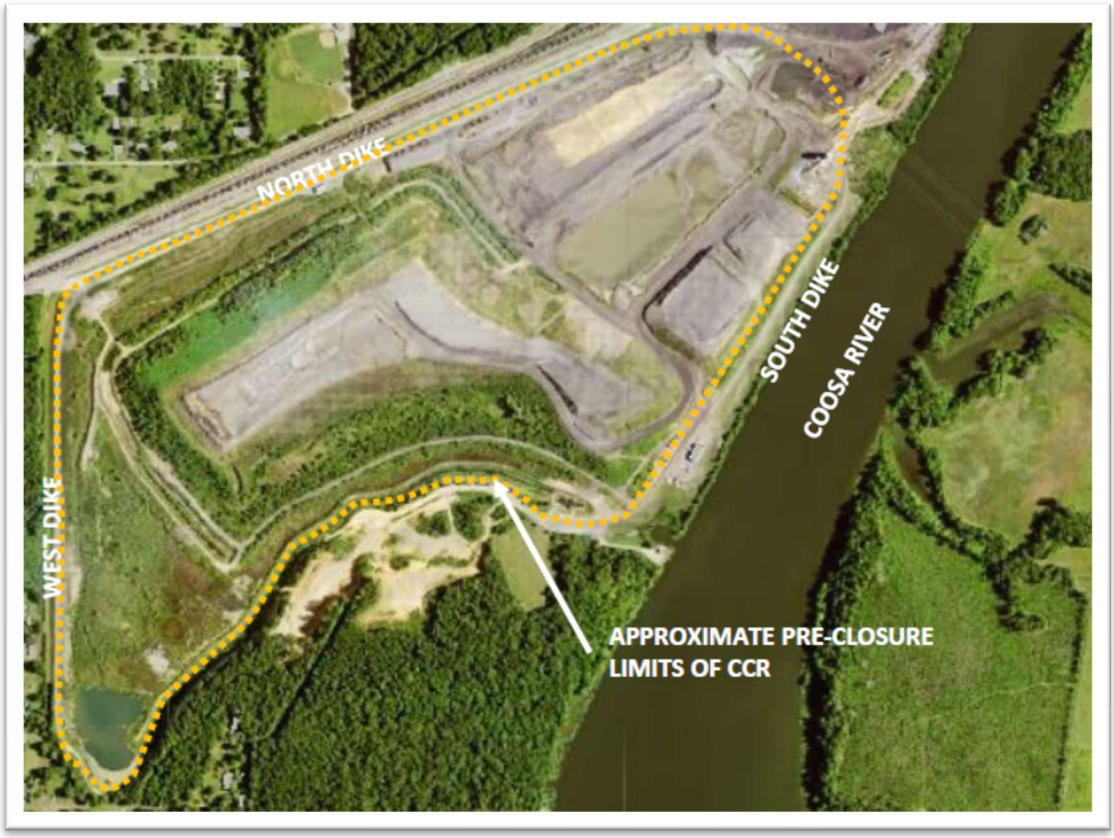
Section 8

No toxicity testing has been completed on the non-contact stormwater from the Gaston ash pond closure project because the outfalls are not yet configured for discharge and/or do not yet exist.

Tables A-D

As previously noted, samples from these areas could not be obtained because the outfalls are not yet configured for discharge and/or do not yet exist. However, sample data was available from a storm event at the Plant Gadsden capped and closed ash pond, and the conditions under which that sample was obtained are similar to the conditions expected from the capped portions of the Plant Gaston ash pond. Therefore, this Gadsden sample data has been provided as a surrogate.

Figure 1 – Gaston Ash Pond Pre- and Post-Closure



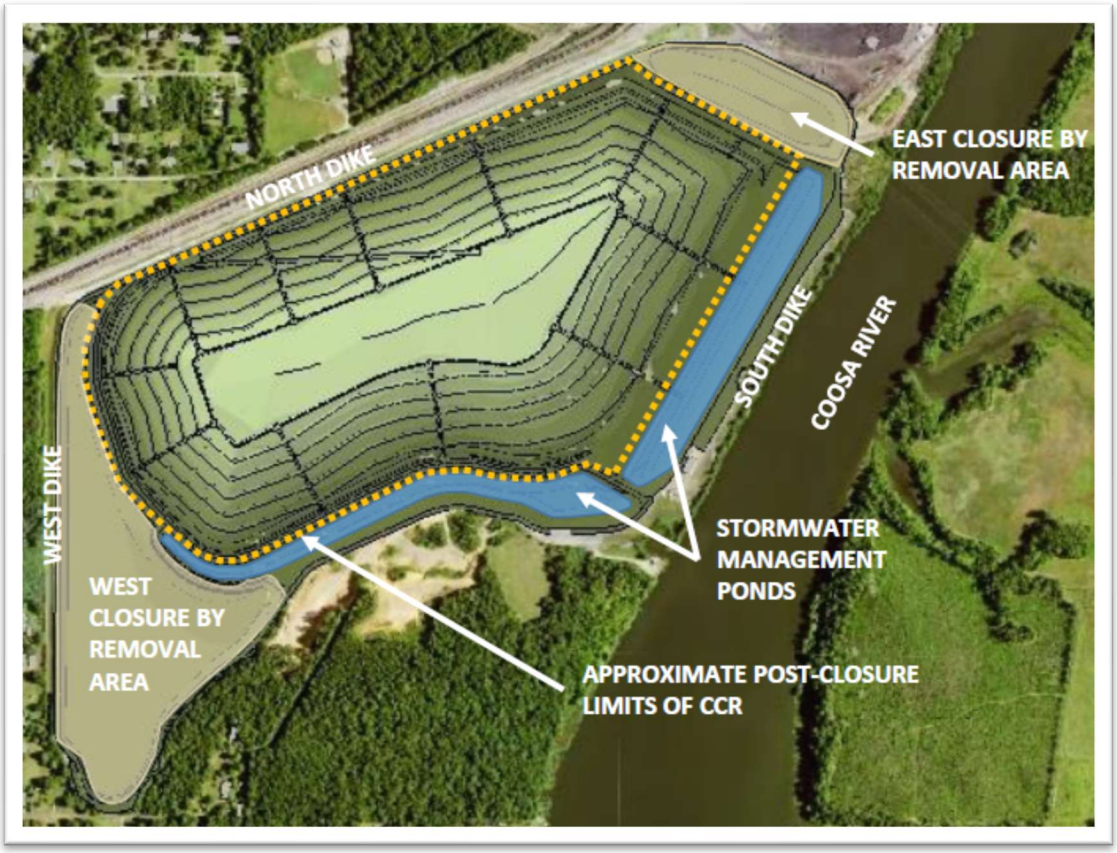


Figure 2 – Gaston Ash Pond Closure Approximate Phasing Map

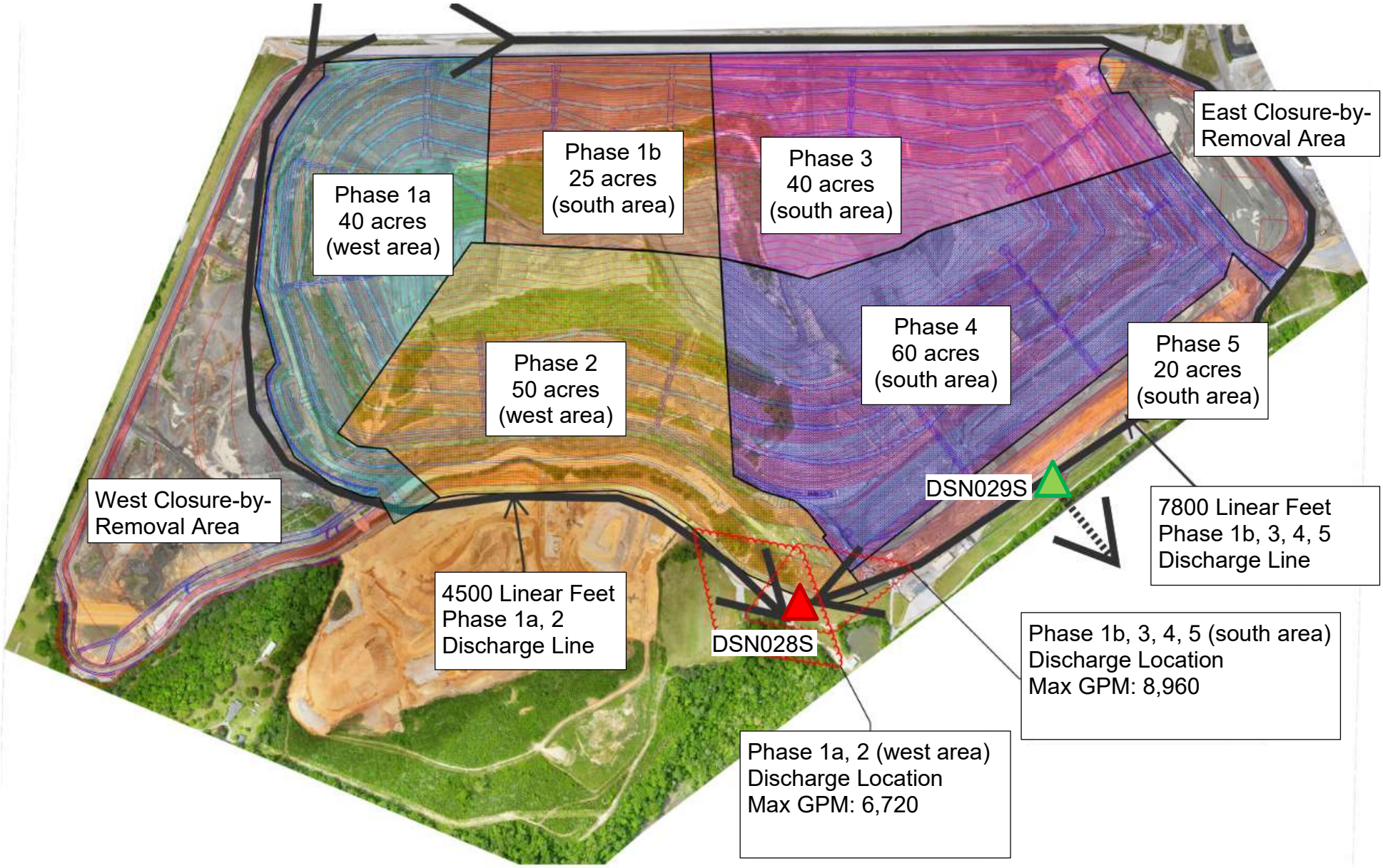


Figure 3 – Anticipated Stormwater Volumes/Flow Rates by Phase

Phase Date Range	Phase(s)	Acreage (Total)	3" rain event gallons (1-yr storm over 24-hr period)	No. of 6" Pumps	Max gallons pumped in 24 hrs	GPMs Discharged
West Pond Area						
JUL 2023 – JAN 2024	Phase 1a	40	3,258,480	2	6,451,200	4,480
JUL 2023 – SEP 2024	Phase 1a & 2	90	7,331,580	3	9,676,800	6,720
JUL 2023 – COMPLETION	Phase 1a & 2 Discharge	90	7,331,580	3	9,676,800	6,720
South Pond Area						
JUL 2023 – JAN 2024	Phase 1b	25	2,036,550	2	6,451,200	4,480
JUL 2023 – APR 2024	Phase 1b & 3	65	5,295,030	2	6,451,200	4,480
JUL 2023 – NOV 2026	Phase 1b, 3, 4	125	10,182,750	4	12,902,400	8,960
JUL 2023 – NOV 2026	Phase 1b, 3, 4, 5	145	11,811,990	4	12,902,400	8,960
JUL 2023 – COMPLETION	Phase 1b, 3, 4, 5 Discharge	145	11,811,990	4	12,902,400	8,960
Combined						
JUL 2023 – COMPLETION	Phases 1 – 5	235	19,143,570	7	22,579,200	15,680

EPA Identification Number	NPDES Permit Number	Facility Name	Form Approved 03/05/19 OMB No. 2040-0004
ALD083742858	AL0003140	Gaston Steam Plant	

Form 2F NPDES

U.S Environmental Protection Agency
Application for NPDES Permit to Discharge Wastewater

STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY

SECTION 1. OUTFALL LOCATION (40 CFR 122.21(g)(1))

Outfall Location

1.1 Provide information on each of the facility's outfalls in the table below

Outfall Number	Receiving Water Name	Latitude	Longitude
028S	Coosa River	33° 14′ 00″	86° 28′ 00″
029S	Coosa River	33° 14′ 00″	86° 28′ 00″
		° ′ ″	° ′ ″
		° ′ ″	° ′ ″
		° ′ ″	° ′ ″
		° ′ ″	° ′ ″

SECTION 2. IMPROVEMENTS (40 CFR 122.21(g)(6))

Improvements

2.1 Are you presently required by any federal, state, or local authority to meet an implementation schedule for constructing, upgrading, or operating wastewater treatment equipment or practices or any other environmental programs that could affect the discharges described in this application?

☐ Yes ☑ No ➔ SKIP to Section 3.

2.2 Briefly identify each applicable project in the table below.

Brief Identification and Description of Project	Affected Outfalls (list outfall numbers)	Source(s) of Discharge	Final Compliance Dates	
			Required	Projected

2.3 Have you attached sheets describing any additional water pollution control programs (or other environmental projects that may affect your discharges) that you now have underway or planned? (Optional Item)

☐ Yes ☐ No

SECTION 3. SITE DRAINAGE MAP (40 CFR 122.26(c)(1)(i)(A))

Site Drainage Map

3.1 Have you attached a site drainage map containing all required information to this application? (See instructions for specific guidance.)

☑ Yes ☐ No

SECTION 4. POLLUTANT SOURCES (40 CFR 122.26(c)(1)(i)(B))

Pollutant Sources

4.1 Provide information on the facility's pollutant sources in the table below.

Outfall Number	Impervious Surface Area (within a mile radius of the facility)		Total Surface Area Drained (within a mile radius of the facility)	
028S	90	*specify units* acres	90	*specify units* acres
029S	145	*specify units* acres	145	*specify units* acres
		specify units		*specify units*
		specify units		*specify units*
		specify units		*specify units*
		specify units		*specify units*

4.2 Provide a narrative description of the facility's significant material in the space below. (See instructions for content requirements.)

See General Comments.

4.3 Provide the location and a description of existing structural and non-structural control measures to reduce pollutants in stormwater runoff. (See instructions for specific guidance.)

Stormwater Treatment		
Outfall Number	**Control Measures and Treatment**	**Codes from Exhibit 2F–1** (list)
DSN028S	Capped ash pond liner, diversion berms, and piping	1-U, 4-A
DSN029S	Capped ash pond liner, diversion berms, and piping	1-U, 4-A

SECTION 5. NON STORMWATER DISCHARGES (40 CFR 122.26(c)(1)(i)(C))

Non-Stormwater Discharges

5.1 *I certify under penalty of law that the outfall(s) covered by this application have been tested or evaluated for the presence of non-stormwater discharges. Moreover, I certify that the outfalls identified as having non-stormwater discharges are described in either an accompanying NPDES Form 2C, 2D, or 2E application.*

Name (print or type first and last name)	Official title
Susan B. Comensky	VP - Environmental Affairs
Signature: Susan B. Comensky	Date signed: 12/07/2022

5.2 Provide the testing information requested in the table below.

Outfall Number	Description of Testing Method Used	Date(s) of Testing	Onsite Drainage Points Directly Observed During Test
N/A			

SECTION 6. SIGNIFICANT LEAKS OR SPILLS (40 CFR 122.26(c)(1)(i)(D))

Significant Leaks or Spills

6.1 Describe any significant leaks or spills of toxic or hazardous pollutants in the last three years.

There have been no significant leaks or spills of toxic or hazardous pollutants at the facility in the last three years.

SECTION 7. DISCHARGE INFORMATION (40 CFR 122.26(c)(1)(i)(E))

Discharge Information

See the instructions to determine the pollutants and parameters you are required to monitor and, in turn, the tables you must complete. Not all applicants need to complete each table.

7.1 Is this a new source or new discharge?

☐ Yes ➔ See instructions regarding submission of *estimated* data.

☑ No ➔ See instructions regarding submission of *actual* data.

Tables A, B, C, and D

7.2 Have you completed Table A for each outfall?

☑ Yes ☐ No

Discharge Information Continued

7.3	Is the facility subject to an effluent limitation guideline (ELG) or effluent limitations in an NPDES permit for its process wastewater? ☑ Yes ☐ No ➔ SKIP to Item 7.5.
7.4	Have you completed Table B by providing quantitative data for those pollutants that are (1) limited either directly or indirectly in an ELG and/or (2) subject to effluent limitations in an NPDES permit for the facility's process wastewater? ☑ Yes ☐ No
7.5	Do you know or have reason to believe any pollutants in Exhibit 2F–2 are present in the discharge? ☑ Yes ☐ No ➔ SKIP to Item 7.7.
7.6	Have you listed all pollutants in Exhibit 2F–2 that you know or have reason to believe are present in the discharge and provided quantitative data or an explanation for those pollutants in Table C? ☑ Yes ☐ No
7.7	Do you qualify for a small business exemption under the criteria specified in the Instructions? ☐ Yes ➔SKIP to Item 7.18. ☑ No
7.8	Do you know or have reason to believe any pollutants in Exhibit 2F–3 are present in the discharge? ☑ Yes ☐ No ➔ SKIP to Item 7.10.
7.9	Have you listed all pollutants in Exhibit 2F–3 that you know or have reason to believe are present in the discharge in Table C? ☑ Yes ☐ No
7.10	Do you expect any of the pollutants in Exhibit 2F–3 to be discharged in concentrations of 10 ppb or greater? ☐ Yes ☑ No ➔ SKIP to Item 7.12.
7.11	Have you provided quantitative data in Table C for those pollutants in Exhibit 2F–3 that you expect to be discharged in concentrations of 10 ppb or greater? ☐ Yes ☐ No
7.12	Do you expect acrolein, acrylonitrile, 2,4-dinitrophenol, or 2-methyl-4,6-dinitrophenol to be discharged in concentrations of 100 ppb or greater? ☐ Yes ☑ No ➔ SKIP to Item 7.14.
7.13	Have you provided quantitative data in Table C for the pollutants identified in Item 7.12 that you expect to be discharged in concentrations of 100 ppb or greater? ☐ Yes ☐ No
7.14	Have you provided quantitative data or an explanation in Table C for pollutants you expect to be present in the discharge at concentrations less than 10 ppb (or less than 100 ppb for the pollutants identified in Item 7.12)? ☐ Yes ☑ No
7.15	Do you know or have reason to believe any pollutants in Exhibit 2F–4 are present in the discharge? ☐ Yes ☑ No ➔ SKIP to Item 7.17.
7.16	Have you listed pollutants in Exhibit 2F–4 that you know or believe to be present in the discharge and provided an explanation in Table C? ☐ Yes ☐ No
7.17	Have you provided information for the storm event(s) sampled in Table D? ☑ Yes ☐ No

Discharge Information Continued

Used or Manufactured Toxics

7.18 Is any pollutant listed on Exhibits 2F–2 through 2F–4 a substance or a component of a substance used or manufactured as an intermediate or final product or byproduct?

☐ Yes ☑ No ➔ SKIP to Section 8.

7.19 List the pollutants below, including TCDD if applicable.

1.	4.	7.
2.	5.	8.
3.	6.	9.

SECTION 8. BIOLOGICAL TOXICITY TESTING DATA (40 CFR 122.21(g)(11))

Biological Toxicity Testing Data

8.1 Do you have any knowledge or reason to believe that any biological test for acute or chronic toxicity has been made on any of your discharges or on a receiving water in relation to your discharge within the last three years?

☐ Yes ☑ No ➔ SKIP to Section 9.

8.2 Identify the tests and their purposes below.

Test(s)	Purpose of Test(s)	Submitted to NPDES Permitting Authority?	Date Submitted
		☐ Yes ☐ No	
		☐ Yes ☐ No	
		☐ Yes ☐ No	

SECTION 9. CONTRACT ANALYSIS INFORMATION (40 CFR 122.21(g)(12))

Contract Analysis Information

9.1 Were any of the analyses reported in Section 7 (on Tables A through C) performed by a contract laboratory or consulting firm?

☑ Yes ☐ No ➔ SKIP to Section 10.

9.2 Provide information for each contract laboratory or consulting firm below.

	Laboratory Number 1	Laboratory Number 2	Laboratory Number 3
Name of laboratory/firm	Pace Analytical Services	Alabama Power General Test Lab	
Laboratory address	1000 Riverbend Blvd Ste. F St. Rose, LA 70087	744 Cty Rd 87, GSC #8 Calera, AL 35040	
Phone number	(504) 469-0333	(504) 664-6001	
Pollutant(s) analyzed	BOD, COD	All parameters except BOD and COD.	

SECTION 10. CHECKLIST AND CERTIFICATION STATEMENT (40 CFR 122.22(a) and (d))

Checklist and Certification Statement

10.1 In Column 1 below, mark the sections of Form 2F that you have completed and are submitting with your application. For each section, specify in Column 2 any attachments that you are enclosing to alert the permitting authority. Note that not all applicants are required to complete all sections or provide attachments.

Column 1	Column 2
☑ Section 1	☐ w/ attachments (e.g., responses for additional outfalls)
☑ Section 2	☐ w/ attachments
☑ Section 3	☑ w/ site drainage map
☑ Section 4	☐ w/ attachments
☑ Section 5	☐ w/ attachments
☑ Section 6	☐ w/ attachments
☑ Section 7	☑ Table A ☐ w/ small business exemption request ☑ Table B ☐ w/ analytical results as an attachment ☑ Table C ☑ Table D
☑ Section 8	☐ w/attachments
☑ Section 9	☐ w/attachments (e.g., responses for additional contact laboratories or firms)
☑ Section 10	☐

10.2 **Certification Statement**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name (print or type first and last name)	Official title
Susan B. Comensky	VP - Environmental Affairs
Signature: Susan B. Comensky	Date signed: 12/07/2022

EPA Identification Number	NPDES Permit Number	Facility Name	Outfall Number
ALD083742858	AL0003140	Gaston Steam Plant	n/a

Form Approved 03/05/19
OMB No. 2040-0004

TABLE A. CONVENTIONAL AND NON CONVENTIONAL PARAMETERS (40 CFR 122.26(c)(1)(i)(E)(3))[1]

You must provide the results of at least one analysis for every pollutant in this table. Complete one table for each outfall. See instructions for additional details and requirements.

	Pollutant or Parameter	Maximum Daily Discharge (specify units)		Average Daily Discharge (specify units)		Number of Storm Events Sampled	Source of Information (new source/new dischargers only; use codes in instructions)
		Grab Sample Taken During First 30 Minutes	Flow-Weighted Composite	Grab Sample Taken During First 30 Minutes	Flow-Weighted Composite		
1.	Oil and grease	<5.3 mg/L				1	
2.	Biochemical oxygen demand (BOD_5)	1.8 mg/L	<1.2 mg/L			1	
3.	Chemical oxygen demand (COD)	10.0 mg/L	<10.0 mg/L			1	
4.	Total suspended solids (TSS)	<2.5 mg/L1	<2.5 mg/L			1	
5.	Total phosphorus	<0.05 mg/L	<0.05 mg/L			1	
6.	Total Kjeldahl nitrogen (TKN)	<0.5 mg/L	<0.5 mg/L			1	
7.	Total nitrogen (as N)	<0.5 mg/L	<0.05 mg/L			1	
8.	pH (minimum)	7.96 SU				1	
	pH (maximum)	7.96 SU				1	

[1] Sampling shall be conducted according to sufficiently sensitive test procedures (i.e., methods) approved under 40 CFR 136 for the analysis of pollutants or pollutant parameters or required under 40 CFR chapter I, subchapter N or O. See instructions and 40 CFR 122.21(e)(3).

TABLE B. CERTAIN CONVENTIONAL AND NON CONVENTIONAL POLLUTANTS (40 CFR 122.26(c)(1)(i)(E)(4) and 40 CFR 122.21(g)(7)(vi)(A))[1]

List each pollutant that is limited in an effluent limitation guideline (ELG) that the facility is subject to or any pollutant listed in the facility's NPDES permit for its process wastewater (if the facility is operating under an existing NPDES permit). Complete one table for each outfall. See the instructions for additional details and requirements.

Pollutant and CAS Number (if available)	Maximum Daily Discharge (specify units)		Average Daily Discharge (specify units)		Number of Storm Events Sampled	Source of Information (new source/new dischargers only; use codes in instructions)
	Grab Sample Taken During First 30 Minutes	Flow-Weighted Composite	Grab Sample Taken During First 30 Minutes	Flow-Weighted Composite		
Temperature	12.9 C	N/A			1	

[1] Sampling shall be conducted according to sufficiently sensitive test procedures (i.e., methods) approved under 40 CFR 136 for the analysis of pollutants or pollutant parameters or required under 40 CFR chapter I, subchapter N or O. See instructions and 40 CFR 122.21(e)(3).

TABLE C. TOXIC POLLUTANTS, CERTAIN HAZARDOUS SUBSTANCES, AND ASBESTOS (40 CFR 122.26(c)(1)(i)(E)(4) and 40 CFR 122.21(g)(7)(vi)(B) and (vii))[1]

List each pollutant shown in Exhibits 2F–2, 2F–3, and 2F–4 that you know or have reason to believe is present. Complete one table for each outfall. See the instructions for additional details and requirements.

Pollutant and CAS Number (if available)	Maximum Daily Discharge (specify units)		Average Daily Discharge (specify units)		Number of Storm Events Sampled	Source of Information (new source/new dischargers only; use codes in instructions)
	Grab Sample Taken During First 30 Minutes	Flow-Weighted Composite	Grab Sample Taken During First 30 Minutes	Flow-Weighted Composite		
Total Residual Chlorine	0.0 mg/L	N/A			1	
Total Recoverable Arsenic	0.000211 mg/L	<0.000203 mg/L			1	
Total Copper	0.00303 mg/L	0.00295 mg/L			1	
Total Iron	0.0129 mg/L	0.0129 mg/L			1	
Nitrate + Nitrite	<0.3 mg/L	<0.3 mg/L			1	

[1] Sampling shall be conducted according to sufficiently sensitive test procedures (i.e., methods) approved under 40 CFR 136 for the analysis of pollutants or pollutant parameters or required under 40 CFR chapter I, subchapter N or O. See instructions and 40 CFR 122.21(e)(3).

TABLE D. STORM EVENT INFORMATION (40 CFR 122.26(c)(1)(i)(E)(6))

Provide data for the storm event(s) that resulted in the maximum daily discharges for the flow-weighted composite sample.

Date of Storm Event	Duration of Storm Event (in hours)	Total Rainfall During Storm Event (in inches)	Number of Hours Between Beginning of Storm Measured and End of Previous Measurable Rain Event	Maximum Flow Rate During Rain Event (in gpm or specify units)	Total Flow from Rain Event (in gallons or specify units)
02/11/2021	11	0.62	106	1796 gpm	1185371 gallons

Provide a description of the method of flow measurement or estimate.

Flow measurements were calculated by applying the rational method equation to the provided drainage area and storm event. A coefficient of 1.0 was used for impervious areas and 0.8 for pervious areas. To qualify as a single storm event, there must have been at least 72 hours between storm events producing rainfall amounts of 0.1 inches or greater.

These sample results were obtained from a storm event at the Plant Gadsden closed ash pond. However, this sample was obtained under similar conditions to those expected at the closed portions of the Plant Gaston ash pond. Therefore, these sample results are being provided as a surrogate.