

# PUBLIC HEARING STATEMENT

Application for Initial Permit  
James H. Miller, Jr. Electric Generating Plant  
Permit 37-51

October 20, 2020

Good evening, my name is Devin Jenkins, and on behalf of the Alabama Department of Environmental Management, we thank you for your participation in the permitting process for the James H. Miller, Jr. Electric Generating Plant, Permit 37-51.

Alabama Power Company has submitted to the Alabama Department of Environmental Management (ADEM) an application for the initial issuance of a Coal Combustion Residuals (CCR) Permit to Close for the Plant Miller Ash Pond at the James H. Miller, Jr. Electric Generating Plant. The Plant Miller Ash Pond is a CCR surface impoundment located in Sections 27, 28, 33 and 34, Township 16 South, Range 5 West in Jefferson County, Alabama consisting of approximately 598 acres with a disposal area that consists of approximately 353.50 acres.

The proposed permit would require the Permittee to manage CCR in accordance with the conditions of the proposed permit, ADEM Admin. Code r. 335-13-15, "Standards for the Disposal of Coal Combustion Residuals in Landfills and Surface Impoundments," and the approved permit application.

Groundwater monitoring and corrective action requirements in the proposed permit establish a groundwater monitoring system of wells that provides an accurate representation of the groundwater quality underlying the unit and a groundwater monitoring plan to establish appropriate sampling and analysis of the system to detect the presence of CCR constituents. For

units where CCR constituents exceed acceptable levels, the proposed permit establishes corrective action requirements to remediate contamination caused by the unit.

Closure criteria in the proposed permit establish requirements for all units to close in accordance with specified standards and timeframes. Post-closure criteria in the proposed permit require each unit be maintained for a period of time after closure, including maintaining groundwater monitoring and corrective action to ensure the long term safety of units that are closing.

The Permittee must comply with all conditions of the proposed permit except to the extent and for the duration such noncompliance is authorized by a variance granted by ADEM. The first variance requests to exclude boron as an Appendix IV assessment monitoring constituent. The second variance requests groundwater protection standards of 6 micrograms per liter ( $\mu\text{g/L}$ ) for cobalt; 15  $\mu\text{g/L}$  for lead; 40  $\mu\text{g/L}$  for lithium; and 100  $\mu\text{g/L}$  for molybdenum. The third variance requests the final grade of the cover system be less than 5 percent and greater than 25 percent.

Based on our review of the initial permit application, the Department has made a preliminary determination that the proposed facility would be in compliance with the applicable State and federal solid waste disposal requirements and thus, protective of public health and the environment. The proposed permit includes the following conditions:

1. Upon renewal, the permit would be valid for a 10 year period.
2. The Permittee would conduct groundwater monitoring semiannually.
3. The Permittee would implement and maintain a corrective action program.
4. The Permittee would maintain the integrity of the final cover system throughout the life of the permit and post-closure period.

5. The Permittee would, at all times, properly maintain the facility and all systems in accordance with the application and the permit.
6. The Permittee would obtain the approval of ADEM for any change or modification to the facility or a system which might otherwise result in noncompliance with the permit or ADEM's Administrative Code.

The purpose of tonight's hearing is to provide an opportunity to receive public comment regarding the application and proposed permit. The Department welcomes your input to this process and will consider all technical comments prior to making a final decision concerning the issuance of this permit and will provide a written response to each commenter and to those requesting specific notice of our decision.

Thank you again for participating in the hearing.