

December 31, 2025

BY EMAIL

Ms. Kelli-Ann Schrage, Manager
Wastewater Regulatory Program
Georgia Environmental Protection Division
2 Martin Luther King, Jr. Dr.
Atlanta, GA 30334

**RE: Plant Wansley– NPDES Permit No. GA0026778
Notice of Planned Participation Plant Wansley Units 1 & 2**

Dear Ms. Schrage:

Pursuant to 40 C.F.R. § 423.19(h), Georgia Power Company (the “Company”) submits the following Notice of Planned Participation (“NOPP”) for Plant Wansley Units 1 and 2 (“Plant Wansley”) pertaining to combustion residual leachate (“CRL”) discharges. Plant Wansley Units 1 & 2 have been retired and are under demolition. However, solid waste landfill cells containing coal combustion residuals (“CCR”) exist at the facility, which generate CRL. On October 13, 2021, the Company submitted to the Georgia Environmental Protection Division (“EPD”) a NOPP selecting the permanent cessation of coal combustion (“PCCC”) by December 31, 2028 compliance subcategory (hereinafter “2028 PCCC”) for flue gas desulfurization (“FGD”) wastewater and bottom ash transport water (“BATW”) discharges for these units. This NOPP is provided, in accordance with 40 C.F.R. § 423.19(h) and the United States Environmental Protection Agency (“EPA”) guidance, to opt into the PCCC by December 31, 2034 compliance subcategory (hereinafter “2034 PCCC”) for CRL discharges.

I. Relevant Background

On May 9, 2024, the EPA published the Supplemental Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category Rule (the “2024 ELG Rule”), which established new, zero liquid discharge Best Available Technology (“BAT”) effluent limitations for CRL. The 2024 ELG Rule also established the 2034 PCCC compliance subcategory, which allows participants in the subcategory to discharge CRL subject to mercury and arsenic BAT effluent limitations.¹ Participants in the 2034 PCCC compliance subcategory are required to comply with the CRL effluent limits “as soon as possible beginning 120 days after the facility permanently ceases coal combustion, but no later than April 30, 2035.”²

EPA has instructed that 2034 PCCC NOPPs should be submitted for CRL discharges originating from any unit that has opted into the 2028 PCCC compliance subcategory, as the 2028 PCCC NOPP only addressed FGD Wastewater and not CRL.³ Based on this guidance and the current NOPP deadline,⁴ the

¹ 40 C.F.R. § 423.13(l)(2)(i)(A).

² *Id.*

³ See, e.g., *2024 Supplemental Steam Electric Effluent Limitations Guidelines and Standards Implementation Briefings*, Env’t Prot. Agency 31 (2024), <https://www.epa.gov/system/files/documents/2024-08/2024-steam-electric-implementation-briefing.pdf>.

⁴ The current deadline to file this 2034 PCCC NOPP is December 31, 2025. On October 2, 2025, EPA proposed a “Deadline Extensions Rule,” 90 Fed. Reg. 47,693 (Oct. 2, 2025), stating its intent to postpone this December 31,

Company submits this NOPP to notify EPD it has selected the 2034 PCCC compliance subcategory for Units 1 and 2 CRL discharges.

II. NOPP for the “Permanent Cessation of Coal Combustion by December 31, 2034” Compliance Subcategory for CRL

The 2024 ELG Rule specifies that a NOPP for the 2034 PCCC compliance subcategory must be submitted to the relevant permitting authority by “no later than December 31, 2025”⁵ and must:

- (1) “Identify the electric generating units intended to achieve the permanent cessation of coal combustion;”
- (2) “Include the expected date that each electric generating unit is projected to achieve permanent cessation of coal combustion;”
- (3) State “whether each [permanent cessation] date represents a retirement or a fuel conversion;”
- (4) State “whether each retirement or fuel conversion has been approved by a regulatory body, and what the relevant regulatory body is;”
- (5) Provide “a copy of the most recent integrated resource plan for which the applicable state agency approved the retirement or repowering of the unit subject to the ELGs, or other documentation supporting that the electric generating unit will permanently cease the combustion of coal by December 31, 2034;” and
- (6) “Include, for each such electric generating unit, a timeline to achieve the permanent cessation of coal combustion . . . [which] shall include interim milestones and the projected dates of completion.”⁶

The Company provides the following information to address each of these requirements.

- a. Identification of Units, Dates, and Whether Each Unit Will Retire or Convert its Fuel Source (Requirements (1) – (3))

This NOPP is applicable to Plant Wansley Units 1 & 2, which are co-owned by Georgia Power, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and Dalton Utilities. These Units were retired on August 31, 2022.

- b. Identification of Regulatory Body and Whether Retirement or Fuel Conversion has been Approved ((Requirement (4))

2025 deadline to 2031 or some other date in the future. On December 23, 2025, EPA released a pre-publication version of this final rule. The Company will update EPD, as needed, if this final rule impacts this NOPP filing or the compliance path for Plant Wansley.

⁵ 40 C.F.R. § 423.19(h)(1).

⁶ *Id.* § 423.19(h)(2). This regulatory provision also requires a NOPP submitter to certify the FGD wastewater and BATW compliance options with which each applicable electric generating unit is complying. *See id.* The Company believes this requirement is inapplicable given this NOPP relates solely to CRL discharges. Nevertheless, the Company satisfies these requirements insofar as Plant Wansley is not generating or discharging FGD wastewater and/or BATW.

The retail electric utility operations of the Company are regulated by the Georgia Public Service Commission (“PSC”) pursuant to Title 46 of the Code of Georgia. The 2022 Integrated Resource Planning Proceedings with the PSC resulted in a July 29, 2022 Final Order from the PSC that approved decertification and permanent cessation of coal combustion at Plant Wansley Units 1 and 2 by August 31, 2022.

c. Additional Support that the Units will Permanently Cease Coal Combustion (Requirement (5))

The Company has disclosed the retirement of coal-fired Units 1 and 2 at Plant Wansley in several public announcements and in filings pursuant to the Securities Exchange Act of 1934.⁷ This submittal also concludes with the customary NPDES certification statement, signed by a responsible corporate official of the Company, and further attests to the Company’s permanent cessation of coal combustion at Plant Wansley Units 1 and 2.

d. Unit-Specific Compliance Timelines with Interim Milestones (Requirement (6))

None. The retirement of Plant Wansley Units 1 & 2 is complete, and coal combustion is permanently ceased.

III. Annual Progress Report Requirement

The 2034 PCCC compliance subcategory also includes an “Annual Progress Report” submittal requirement, obligating participants to describe “the completion of any interim milestones listed in the [NOPP] since the previous progress report, provide a narrative discussion of any completed, missed, or delayed milestones, and provide updated milestones.”⁸ Annual Progress Reports must also include one of the following:

- “A copy of the official suspension filing (or equivalent filing) made to the facility's reliability authority detailing the conversion to a fuel source other than coal;”
- “A copy of the official retirement filing (or equivalent filing) made to the facility's reliability authority which must include a waiver of recission rights;” or
- “An initial certification, or recertification for subsequent annual progress reports, containing a statement that the facility will make” one of the above-referenced filings.⁹

⁷ See, e.g., *Form 10-K*, Ga. Power. Co. (2021), https://s27.q4cdn.com/273397814/files/doc_financials/2021/q4/50f6cd27-714e-488e-8e0d-cb05252e273a.pdf (“Georgia Power submitted its NOPP to the Georgia Environmental Protection Division (EPD) indicating plans to retire Plant Wansley Units 1 and 2...on or before the compliance date of December 31, 2028.”) (“On January 31, 2022, Georgia Power filed its triennial IRP (2022 IRP), including a request to decertify and retire Plant Wansley Units 1 and 2...by August 31, 2022....”); *Form 10-K*, Ga. Power Co. (2022), https://s27.q4cdn.com/273397814/files/doc_financials/2022/q4/9859ce71-86a9-43d3-ba0e-ba5b5e060bb6.pdf (“Decertification and retirement of Plant Wansley Units 1 and 2...occurred on August 31, 2022....”).

⁸ 40 C.F.R. § 423.19(h)(4).

⁹ *Id.* § 423.19(h)(4)(i)-(iii).

Further, 40 C.F.R. § 423.19(h)(4)(iv) provides that a facility's final Annual Progress Report prior to permanently ceasing coal combustion cannot include the certification or recertification referenced in the last bullet point, above. Instead, it must include the filing referenced in the first or second bullet point, above.

Given Plant Wansley Units 1 and 2 have already permanently ceased coal combustion and are being demolished, the above-referenced Annual Progress Reports are not applicable. Additionally, the Company does not have a reliability authority for which the "official suspension" or "official retirement" filings are required. As noted above, the Company previously reported to the PSC its plans for Plant Wansley Units 1 and 2, who approved the Units' decertification and permanent cessation of coal combustion. No additional action is necessary.

IV. Conclusion

The Company respectfully requests that EPD incorporate into Plant Wansley's next NPDES Permit 2034 PCCC CRL effluent limitations. If EPD requires any additional information, or if the Company can assist in any other manner, please do not hesitate to contact us at your convenience.

The Company understands this NOPP above to fully satisfy the requirements of 40 C.F.R. § 423.19(l), and the Company reserves its ability to submit a later determination of a new compliance pathway if the regulation is revised, circumstances change, or the Georgia PSC requires changes to the Company's compliance strategy for Plant Wansley Units 1 and 2.

If you need additional information or have questions regarding this matter, please contact Stephanie Whitacre at 470-367-0303.

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.

Sincerely,



Jennifer McNelly, Vice President
Environmental Affairs

Cc: Ms. Sarita Banjade, EPD