

April 15, 2024

VIA E-MAIL AND CERTIFIED MAIL; RETURN RECEIPT REQUESTED

Mr. Jason Wilson
Chief, Solid Waste Branch
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110

Re: Request for Extension of Closure Timeframe for the Plant Gorgas Gypsum Pond

Dear Mr. Wilson,

Alabama Power Company (Alabama Power) previously prepared a notification of intent to close the Plant Gorgas Gypsum Pond (Gypsum Pond) and placed it in the operating record on April 15, 2019, as required by ADEM Admin. Code r. 335-13-15-.07(3)(g) and 40 C.F.R. § 257.102(g). Alabama Power provided notification to the Director as required by r. 335-13-15-.08(2)(i)7 and § 257.106(i)(7) and posted it to the CCR compliance website in accordance with r. 335-13-15-.08(3)(i)7 and § 257.107(i)(7).

According to r. 335-13-15-.07(3)(f)1.(ii) and § 257.102(f)(1)(ii), closure of an existing CCR surface impoundment must be completed within five years of commencing closure activities. Closure is considered complete under r. 335-13-15-.07(3)(c) and § 257.102(c) when:

1. A qualified professional engineer certifies CCR removal and decontamination throughout the CCR unit and any areas affected by releases from the unit; and
2. Groundwater monitoring concentrations do not exceed the groundwater protection standards (GWPS) for constituents listed in Appendix IV of Chapter 335-13-15 and 40 C.F.R. Part 257.

Regarding the first criterion, Alabama Power has completed the physical closure of the Gypsum Pond. However, lithium has been detected at the Gypsum Pond at concentrations above the maximum concentration level (MCL), which is set at 40 milligrams per liter (ug/L) under r. 335-13-15-.06(6)(h)2.(iii) and § 257.95(h)(2)(iii).

Alabama Power has determined that the Gypsum Pond is not the cause of elevated concentrations of lithium and, instead, that they are a function of background concentrations. On July 31, 2022, Alabama Power prepared an alternative source demonstration (ASD) certified by a qualified professional engineer, which is included as Appendix E to the 2022 Semi-Annual

Groundwater Monitoring and Corrective Action Report. As noted in the ASD, Alabama Power has established a site specific GWPS of 419 ug/L for lithium, and there are no statistically significant levels of lithium above background concentrations. Since preparing the ASD, Alabama Power has continued to confirm, including as recently as January 2024 in the 2023 Annual Groundwater Monitoring and Corrective Action Report for the Gypsum Pond, that concentrations of lithium above the MCL are a function of background conditions and do not reflect impacts from the Gypsum Pond or exceedances above the site specific GWPS.

Under r. 335-13-15.06(g)4.(ii), the ASD is not effective until approved by the Department (in contrast to the federal CCR rule at § 257.95(g)(3)(ii), under which the ASD for the Gypsum Pond is subject to the engineer's certification but not further regulatory approval). Alabama Power will respond appropriately when the Department takes action on the ASD. In the meantime, the presence of lithium at concentrations above the site-specific GWPS means that closure cannot be certified for purposes of r. 335-13-15-.07(3)(c). Thus, Alabama Power requests an extension of the time to close the Gypsum Pond by two years as authorized under r. 335-13-15-.07(3)(f)2.(ii)(I) and § 257.102(f)(2)(ii)(A).

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Thank you for your attention to this matter. Please feel free to contact me if we may be of any assistance to the Department in its consideration of Alabama Power's request.

Sincerely,



Mike Godfrey
General Manager, Environmental Affairs
Alabama Power Company