

October 10, 2024

VIA E-MAIL

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

Re: **Annual Progress Report for Units 4 and 5 of the James M. Barry Electric Generating Plant (NPDES Permit No. AL0002879)**

Dear Mr. Jackson:

In accordance with 40 C.F.R. § 423.19(g) (2024), this constitutes the “Annual Progress Report” of Alabama Power Company (“Alabama Power” or the “Company”) regarding the interim milestones listed in Alabama Power’s Notice of Planned Participation (“NOPP”) for Units 4 and 5 of the James M. Barry Electric Generating Plant (“Plant Barry”), as submitted to the Alabama Department of Environmental Management on October 13, 2021.

Alabama Power’s NOPP for Plant Barry Units 4 and 5 indicated an intent to comply with EPA’s 2020 ELG Rule¹ by complying with the Rule’s provisions relating to “unit[s] that will achieve permanent cessation of coal combustion by December 31, 2028.”² Any facility that submits a NOPP for the permanent cessation category is required to submit an Annual Progress Report on the interim milestones provided in the NOPP.³ The “Annual Progress Report shall detail 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

¹ EPA, *Steam Electric Reconsideration Rule*, 85 Fed. Reg. 64,650 (Oct. 13, 2020) (codified at 40 C.F.R. Part 423).

² 40 C.F.R. § 423.19(g) (2024).

³ *Id.* § 423.19(g)(3).

milestones, and provide updated milestones.”⁴ EPA’s 2024 ELG Rule⁵ also added a new provision that requires a participant to include one of the following in Annual Progress Reports:

- 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 rescission 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.⁶

In the remaining portions of this Annual Progress Report, Alabama Power discusses the interim milestones for Plant Barry Units 4 and 5, as well as the new reliability authority filing requirement.

Interim Milestones

Alabama Power’s Plant Barry NOPP listed the following interim milestones for Unit 4 and Unit 5.

3rd/4th Quarter 2022: Submit the latest (2022) Integrated Resource Plan (“IRP”) information to the Alabama Public Service Commission (“APSC”), typically as part of a triennial submission

December 31, 2028: Permanent cessation of coal combustion

Alabama Power’s October 13, 2022 and October 13, 2023 Annual Progress Reports explained that the first interim milestone was previously and timely completed.

The conversion of Barry Unit 4 to operate solely on natural gas is complete. Accordingly, the permanent cessation of coal combustion milestone for this unit has been satisfied.

⁴ *Id.* § 423.19(g)(4).

⁵ EPA, Supplemental Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category, 89 Fed. Reg. 40,198 (May 9, 2024) (codified at 40 C.F.R. Part 423).

⁶ See 40 C.F.R. § 423.19(g)(4)(i)-(iii) (2024).

Alabama Power's 2022 IRP summary report to the APSC identified the planned retirement of Barry Unit 5 by no later than December 31, 2028.⁷ The summary report stated that, for purposes of that IRP, Alabama Power assumed a retirement date of January 1, 2024, for Barry Unit 5, but that such assumption is subject to change based on prevailing operating conditions. Barry Unit 5 currently remains in service and the APSC has been informed. Power demand and system requirements warranted continued operation past the IRP-assumed date.

Alabama Power does not have any updated milestones to share at this time.

Reliability Filing Requirement

Alabama Power does not have a reliability authority for which the referenced filings are required. Alabama Power has reported its plans for permanent cessation of coal combustion by December 31, 2028 at Barry in its 2022 IRP Summary Report and in its most recent Environmental Compliance Plan, which was filed with the APSC in Docket Nos. 18117 and 18416 on December 12, 2023.

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If you have questions regarding this Annual Progress Report, please feel free to contact me.

Sincerely,



Mike Godfrey
Environmental Affairs General Manager

⁷ See, e.g., APC's 2022 IRP summary report at 11, available here: <https://www.alabamapower.com/content/dam/alabama-power/pdfs-docs/company/compliance---regulation/IRP.pdf>.