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December 30, 2025

VIA E-MAIL

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

Re: **Notice of Planned Participation in the “Permanent Cessation of Coal Combustion by December 31, 2034” Compliance Subcategory for Units 4 and 5 of the James M. Barry Electric Generating Plant (NPDES Permit No. AL0002879)**

Dear Mr. Jackson:

Please accept this as Alabama Power Company’s (“Alabama Power”) Notice of Planned Participation (“NOPP”) for Units 4 and 5 of the James M. Barry Electric Generating Plant (“Plant Barry”) pertaining to combustion residual leachate (“CRL”) discharges. Alabama Power has already converted the fuel source for Unit 4 and currently plans to retire Unit 5 prior to December 31, 2028, and on October 13, 2021, submitted to ADEM 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 EPA guidance, to opt into the PCCC by December 31, 2034 compliance subcategory (hereinafter “2034 PCCC”) for CRL discharges.

I. Relevant Background

EPA’s *Supplemental Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category Rule*¹ (the “2024 ELG Rule”) established new, zero liquid discharge BAT effluent limitations for CRL.² The 2024 ELG Rule also established the 2034 PCCC compliance subcategory, which allows participants in the

¹ 89 Fed. Reg. 40,198 (May 9, 2024).

² See 40 C.F.R. § 423.13(l)(1)(i).

subcategory to discharge CRL subject to mercury and arsenic BAT effluent limitations.³ 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.”⁴

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.⁵ Based on this guidance and the current NOPP deadline,⁶ and out of an abundance of caution, Alabama Power submits this NOPP to notify ADEM it has selected the 2034 PCCC compliance subcategory for Units 4 and 5 CRL discharges.⁷

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”⁸ and must:

- (1) “[I]dentify the electric generating units intended to achieve the permanent cessation of coal combustion[;]”
- (2) “[I]nclude the expected date that each electric generating unit is projected to achieve permanent cessation of coal combustion[;]”

³ 40 C.F.R. § 423.13(l)(2)(i)(A).

⁴ *Id.*

⁵ 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>.

⁶ The current deadline to file this 2034 PCCC NOPP is December 31, 2025. On December 23, 2025, EPA issued a prepublication draft of its “Deadline Extensions Rule,” the proposal of which was published for public notice and comment on October 2, 2025. See 90 Fed. Reg. 47,693 (Oct. 2, 2025). The effective date of this new final rule is 60 days after it is published in the Federal Register. Alabama Power’s review of this new rule is ongoing and the company will update ADEM, as needed, if the rule impacts this NOPP filing or the compliance path for Plant Barry.

⁷ Alabama Power reserves its right later to file a “justification” letter explaining why a compliance date beyond 120 days after the last relevant unit at Plant Barry permanently ceases coal combustion is necessary, based on the “as soon as possible” factors delineated in 40 C.F.R. § 423.11(t).

⁸ 40 C.F.R. § 423.19(h)(1).

- (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) “[I]nclude, 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.”⁹

Alabama Power 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))

Unit	Retirement/Fuel Conversion	Projected Date of Permanent Cessation
Barry Unit 4	Fuel Conversion	Completed 12/31/22
Barry Unit 5	Retirement	12/31/2028 [†]

[†] This projected date has been selected to maximize Alabama Power’s ability to react and respond to inherent uncertainties and unexpected developments that can arise in the context of such decisions. Alabama Power will disclose any change in the projected date(s) by and through the Annual Progress Reports required by 40 C.F.R. §§ 423.19(g)(3)-(4), (h)(3)-(4).

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

The retail electric utility operations of Alabama Power are regulated by the Alabama Public Service Commission (“APSC”) pursuant to Title 37 of the Alabama Code. Formal authorization by the APSC of the unit decisions described in Part II.a. above is not required under Alabama law. Even so, the APSC is informed of such unit decisions, and the reasons for

⁹ *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.* Alabama Power believes this requirement is inapplicable given this NOPP relates solely to CRL discharges. Nevertheless, Alabama Power certifies herein that it is in compliance with the 2028 PCCC FGD wastewater and BATW requirements for Units 4 and 5 at Plant Barry below.

them, by virtue of its ongoing regulatory oversight and monitoring of Alabama Power's jurisdictional operations.

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

Alabama Power updates its integrated resource plan ("IRP") on an annual basis and typically submits a report to the APSC on a triennial basis that summarizes the results of its most recent IRP. Alabama Power's most recent triennial report to the APSC, submitted in 2025, states: "Plant Barry Unit 4 has converted to natural gas and Barry Unit 5 will cease coal combustion by no later than December 31, 2028."¹⁰

As for "other documentation supporting that the electric generating unit[s] will permanently cease the combustion of coal by December 31, 2034[.]" Alabama Power has disclosed in several publicly available reports filed pursuant to the Securities Exchange Act of 1934 that the conversion of Unit 4 to operate solely on natural gas is complete and the retirement of Unit 5 is expected to occur by December 31, 2028.¹¹ Alabama Power has also submitted to ADEM several Annual Progress Reports for Units 4 and 5 with similar information, pursuant to Alabama Power's 2028 PCCC obligations.¹² Finally, this submittal concludes with the customary NPDES certification statement, signed by a responsible corporate official of Alabama Power. This statement provides further support by attesting to Alabama Power's intention to permanently cease coal combustion at the above-referenced Barry units prior to December 31, 2028, as explained herein.

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

The fuel conversion for Plant Barry Unit 4 is complete and coal combustion has permanently ceased. Accordingly, no milestones or timelines remain. The only relevant timeline event for Unit 5 is achieving the PCCC by December 31, 2028. Currently, there are no interim

¹⁰ See *2025 Integrated Resource Plan Summary Report*, Ala. Power Co. (2025), <https://www.alabamapower.com/content/dam/alabama-power/pdfs-docs/company/compliance---regulation/2025-irp.pdf>.

¹¹ See, e.g., *Form 10-K*, Southern Co. (2025), <https://d18rn0p25nwr6d.cloudfront.net/CIK-0000092122/99ad0708-d703-4ff9-a53e-4b2436c6efc1.pdf>. See also *SEC Filings*, Southern Co., <https://investor.southerncompany.com/financials-and-sec-filings/sec-filings/default.aspx> (last visited Dec. 30, 2025).

¹² See, e.g., Letter from Mike Godfrey, Gen. Manager of Env't Affairs, Ala. Power Co., to Scott Jackson, Chief, Indus. Branch, Water Div., Ala. Dep't Env't Mgmt., *Annual Progress Report for Units 4 and 5 of the James M. Barry Electric Generating Plant (NPDES Permit No. AL0002879)* (Oct. 10, 2021), <https://www.alabamapower.com/content/dam/alabama-power/pdfs-docs/company/compliance---regulation/elg/plant-barry-nopp-annual-progress-report-2025.pdf>.

milestones Alabama Power must first achieve prior to permanently ceasing coal combustion by the end of 2028.

The need to operate Unit 5 on natural gas beyond December 31, 2028 remains under consideration, in light of the potential for increased and unanticipated demand for power. As no final decision has been made in that regard, Alabama Power reserves the right to update/supplement the timelines for Unit 5, including by and through the Annual Progress Report requirement for the 2028 and/or 2034 PCCC compliance subcategories.¹³

III. Conclusion

Alabama Power respectfully requests that ADEM incorporate into Plant Barry's next NPDES Permit 2034 PCCC CRL effluent limitations, as well as all available, alternative compliance options for CRL, FGD wastewater, and/or BATW to which Plant Barry units could transfer, based on the regulations in place at the time ADEM takes action on Plant Barry's NPDES Permit.

Alabama Power appreciates ADEM's attention to this matter. 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.

This correspondence is provided in reliance on existing regulatory frameworks and interpretations and shall not be construed as a waiver of any rights. Alabama Power expressly reserves the right to revise its positions and/or compliance decisions in light of any changes in circumstance, subsequent factual developments, or changes in law, regulation, or regulatory guidance.

Sincerely,



Mike Godfrey
Alabama Power - Environmental Affairs

I certify under penalty of law that this document and all enclosures 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,

¹³ See 40 C.F.R. § 423.19(g)(3)-(4); *id.* § 423.19(h)(3)-(4).

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.



Stacey Turner
Vice President of Environmental Affairs
Alabama Power Company