



Giving Georgia's Environment Its Day In Court

October 27, 2009

Via U.S. Mail – Certified Return Receipt Requested

Jennifer R. Kaduck
Chief, Land Protection Branch
Environmental Protection Division
4244 International Parkway, Suite 104
Atlanta, Georgia 30354

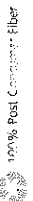
Via U.S. Mail – Certified Return Receipt Requested

Plant Washington Comments
Environmental Protection Division
2 Martin Luther King Jr. Drive
Suite 1152 – East Tower
Atlanta, Georgia 30334

Re: Plant Washington: Solid Waste Handling Permit

Please accept these comments prepared by GreenLaw and the Southern Environmental Law Center on the Solid Waste Handling Permit that is expected to be issued for Plant Washington. These comments are submitted on behalf of the following organizations:

Altamaha Riverkeeper
Center for a Sustainable Coast
Eco-Action
Fall-Line Alliance for a Clean Environment
Friends of the Chattahoochee
Georgia Coalition for the People's Agenda which includes among others:
American Federation of Labor - Congress of Industrial Organizations
Atlanta Black Agenda
Concerned Black Clergy
Friends of Sweet Auburn
Georgia Association of Black Elected Officials
Georgia Coalition of Black Women
The King Center, Laborers' International Union
MLK March Committee
National Association for the Advancement of Colored People
National Council of Negro Women Southern Christian Leadership Council &
SCLC/W.O.M.E.N., Inc.



The Georgia Conservancy
Georgia Interfaith Power and Light
Georgia River Network
Georgia Women's Action for New Directions (WAND)
Georgians for Smart Energy
Georgia Youth for Energy Solutions
Mothers and Others for Clean Air
Ogeechee-Canoochee Riverkeeper
Savannah Riverkeeper
Sierra Club – Georgia Chapter
Southern Alliance for Clean Energy
Southern Energy Network

As an initial matter, unlike the various other permits that were included in the joint public notice of draft permit for Plant Washington (such as the Prevention of Significant Deterioration (PSD), Groundwater Withdrawal, Surface Water Withdrawal and National Pollutant Discharge Elimination System (NPDES) permits) no draft permit has been developed for Plant Washington with respect to the management and disposal of solid waste. Indeed, with the exception of a site suitability analysis, most of the details regarding the operation and management of the proposed solid waste facility have yet to be developed. Therefore, although the comment period under the joint draft permit notice ends today, it is simply not possible to submit comments on most aspects of the solid waste handling for Plant Washington.

Although the permit is not yet available for comment, interest in how Plant Washington will handle its waste is high. Indeed, rarely does a facility generate the level of concern and public interest as does the siting of Plant Washington in Sandersville, Georgia. In addition to the concern generated by the operation and management of the coal plant itself, the public is equally concerned about the facility's waste-disposal practices. In particular, unlike most landfills, the Plant Washington landfill will receive Coal Combustion Waste (CCW). The environmental and public health threats posed by this type of waste are well documented, and indeed, have been at the center of a national debate in recent months. Given the interest in this permit and its potential impact on public health and the environment, we request that the Georgia Environmental Protection Division (EPD) ensure that the public is given adequate time and information to participate effectively in the permitting process for this facility.

Based on communications with EPD personnel in the Land Protection Branch, it is our understanding that while a draft permit will not be developed until some time in 2010, comments on any and all aspects of the permit and/or site suitability determination will be accepted up to the time that a final permit is issued. We appreciate EPD's flexibility in allowing the public to submit comments at any time; however, it is not clear how and when the public will be informed of the availability of the draft permit for public review. Given the importance of this project to the public at large, we request that, *at a minimum*, EPD provide notice to the undersigned as to the availability of a draft permit for handling of solid waste from Plant Washington. Additionally, we request that such a notice include instructions on how to submit comments to EPD.

Finally, we ask that no draft permit be issued until such time as the United States Environmental Protection Agency (EPA) has adequately addressed the problems that it has identified regarding the disposal of CCW. As discussed above, the issue of CCW has been of great concern not only in the Southeast but also across the nation. EPA has announced that it will be taking action shortly to improve the handling and disposal of CCW and that action may include classifying CCW as hazardous waste. Of course, such a classification would change the regulatory requirements for this landfill and provide additional safeguards for public health and safety. Considering this proposed permit without more regulatory certainty would not be an efficient use of EPD's resources. As no permit has even been drafted for Plant Washington, there would be no hardship in postponing the issuance of a draft permit until such time as EPA has provided definitive guidance on how to address CCW.

We would be more than willing to discuss this matter in greater detail or answer any questions that you may have. Please do not hesitate to contact Justine Thompson at (404) 659-3122 or by email at jthompson@green-law.org.

Thank you for your consideration of this important matter.

Sincerely,

For GreenLaw:



Justine Thompson
Executive Director

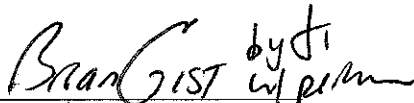
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