Title V/Dual Fuel Combustion Turbines: Sierra Club Petition Objecting to Georgia Environmental Protection Division Issuance of Permit for Bartow County Facility

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Sierra Club and Adrien Webber (collectively, "Sierra Club") filed a Petition for Hearing ("Petition") in the Office of State Administrative Hearings appealing the issuance of a Title V Air Quality Permit amendment ("Amendment") granted by the Director of the Georgia Environmental Protection Division ("Division") to Georgia Power Company ("GPC").

The Petition objects to a Clean Air Act Title V Permit authorizing construction and operation of four new dual fuel combustion turbines and ancillary equipment at Plant Bowen.

Plant Bowen is described as an existing coal-fired power plant located in Bartow County, Georgia.

The Amendment is described as construction permit issued under Georgia's Clean Air Act State Implementation Plan as an amendment to the facility's Title V Permit. The Amendment is stated to authorize GPC to increase Plant Bowen's emissions by 650.9 tons per year of VOCs, and 828.1 tons per year of NOx.

Sierra Club's Petition objects to the Division's decision to authorize GPC's construction of the new gas-and-oil-fired power plant for allegedly failing to require the company to comply with Nonattainment New Source Review permitting requirements. This is alleged to be in violation of Georgia's federally enforceable Ozone Maintenance Plan.

The Division is alleged to be unlawfully treating the Atlanta Area as if it were meeting the National Ambient Air Quality Standard for ozone and is refusing to implement the applicable federal and state law that requires affirmative action by the Division to address the ongoing violation.

Sierra Club argues that the Division's permitting process can only be remedied by the vacatur of the Amendment as it pertains to the increase in Plant Bowen's emission of ozone-forming pollutants. The organization further argues that Division must not authorize construction and operation of four new turbines and ancillary equipment unless and until Georgia Power applies for and obtains a valid Nonattainment New Source Review permit.

A copy of the Petition can be found here.