

**Appendix A -- Relevant Federal and State Environmental Laws and Regulations**

| <b>Law/<br/>Regulation</b>  | <b>Citation</b>  | <b>Description</b>   | <b>Administration<br/>and/or<br/>Permitting</b> | <b>Compliance</b>  |
|---|------------------|--|---|--|
| <p><b>Laws:</b><br/>                     National Environmental Policy Act (NEPA) - Title 42 of the United States Code, Sections 4321-4347 (42 USC 4321-4347).<br/>                     NEPA requires federal agencies to evaluate the environmental impacts of their actions, and integrate such evaluations into their decision-making processes.</p> |                  |  |   |  |
| Council on Environmental Quality (CEQ) Regulations  | 40 CFR 1500-1518 | These regulations implement NEPA and establish two different levels of environmental analysis: the environmental assessment (EA) and the EIS. An EA determines whether significant impacts may result from a proposed action. If significant environmental impacts are identified, an EIS is required to provide the public with a detailed analysis of alternative actions, their impacts, and mitigation measure if necessary. | CEQ   | The draft EIS fully complies with the CEQ regulations for implementing NEPA. |

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| <p><b>Laws:</b><br/> Federal Clean Air Act, as amended (CAA) - 42 USC 7401 <i>et seq.</i><br/> Georgia Air Quality Act - Official Code of Georgia Annotated (OCGA) 12-9-1<br/> <i>The CAA defines EPA's responsibilities for protecting and improving the nation's air quality. EPA has delegated authority to the State of Georgia for issuance of permits under the CAA.</i></p> |  |  |  |  |
| Regulations:<br>Prevention<br>of Significant<br>Deterioration<br>(PSD)<br>Standards  | Title 40 of the<br>Code of<br>Federal<br>Regulations<br>(40 CFR) Part<br>52.21 and<br>Georgia Rules<br>and<br>Regulations<br>Chapter 391-<br>3-1 (391-3-1) | Applies to a new major stationary source within an area that is in attainment for National Ambient Air Quality Standards (NAAQS). Requires the following: <ul style="list-style-type: none"> <li>- Ambient air quality impact analysis to demonstrate that the potential emissions from Proposal will not cause or contribute to a violation of the applicable PSD increments and NAAQS.</li> <li>- Effects of the Proposal on soil, vegetation and visibility.</li> <li>- A Best Available Control Technology (BACT) demonstration.</li> <li>- Public comment, including the opportunity for a public hearing.</li> </ul> | EPD Air<br>Protection<br>Branch        | Oglethorpe<br>Power has<br>applied for and<br>received an air<br>quality permit for<br>the Proposal. |
| Regulations:<br>New Source<br>Performance<br>Standards<br>(NSPS)   | 40 CFR Part<br>60, 391-3-1   | Establishes air emissions related standards for specific facilities and processes.   | EPD Air<br>Protection<br>Branch        | Addressed in air<br>quality permit.  |

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|---|---------------------------------------|---|---|-------------------------------------|
| Regulations:<br>National<br>Emission<br>Standards<br>for<br>Hazardous<br>Air<br>Pollutants<br>(NESHAPS) | 40 CFR Parts<br>61 and 63;<br>391-3-1 | Provides standards for emissions of designated<br>hazardous air pollutants from certain activities. | EPD Air<br>Protection<br>Branch                 | Addressed in air<br>quality permit. |

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| <p><b>Laws:</b><br/> Federal Clean Water Act (CWA), as amended - 33 USC 1251 <i>et seq.</i><br/> Georgia Water Quality Act - OCGA 12-5-20.<br/> Georgia Erosion and Sedimentation Act [amended 2003] – OCGA 12-7-1.<br/> <i>The CWA establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. EPA has delegated the authority for implementing the CWA National Pollution Discharge Elimination System (NPDES) to the State of Georgia.</i></p> |                         |  |   |  |
| USACE<br>Regulatory<br>Program<br>Regulations.  | 33 CFR Parts<br>320-332 | Section 404 of the CWA (33 USC 1344) grants authority to the USACE to regulate the discharge of dredged or fill materials into Waters of the United States, including jurisdictional wetlands. The permitting process requires public notice and opportunity for public input. | The Section 404 permit program is administered by the USACE in Georgia. The Savannah District has jurisdiction. | Oglethorpe Power would be required to obtain a permit under Section 404 for any impacted Waters of the United States, including jurisdictional wetlands, streams, and open waters. |

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|---|---|--|---|--|
| Authority under Section 401 of the Clean Water Act    | 33 USC 1341                                   | The states are granted authority to review activities in waterways and wetlands and to issue water quality certifications under Section 401 of the CWA (33 USC 1341). Under agreement between the EPD and the USACE, an application to the USACE for a Section 404 permit is a simultaneous application to the State for a water quality certification. The Joint Public Notice process includes the 404 permit application and the 401 water quality certification. | EPD   | Oglethorpe Power would be required to obtain a Section 401 water quality certification for impacted Waters of the United States.   |
| Regulations: National Pollutant Discharge Regulations | 40 CFR Part 122, 125; and 391-3-6 and 391-3-7 | Establish procedures for determination of effluent limitations for point source discharges of chemicals, and requires permits for discharges of pollutants from any point source, to Waters of the United States, protective of beneficial uses. The State requires Best Management Practices for erosion and sediment control and a storm water pollution prevention plan (SWPPP) for construction.   | NPDES permit, issued by the EPD.                | Oglethorpe Power (or contractor) would be required to obtain an NPDES permit for construction of Proposal.<br><br>An NPDES permit would also be required for industrial area runoff. |

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|---|-----------------|--|---|---|
| Regulations:<br>Oil Pollution<br>Prevention | 40 CFR 112      | Establishes rules to prevent oil spills from reaching the waters of the United States. | EPA   | Spill Prevention, Control and Countermeasure (SPCC) Plan would be required for fuel oil tanks and other petroleum products in tanks.<br>Oglethorpe Power to include in contract specifications. |

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| <p><b>Laws:</b><br/> Resource Conservation and Recovery Act (RCRA) (Solid Waste Disposal Act) as amended - 42 USC 6901 <i>et seq.</i><br/> Georgia Hazardous Waste Management Act – OCGA 12-8-60.<br/> Georgia Solid Waste Management Act – 12-8-20.<br/> <i>RCRA regulates the treatment, storage, and disposal of solid wastes, including hazardous wastes. The Proposal is expected to generate small volumes of hazardous maintenance-related waste, and would be a Conditionally Exempt Small Quantity Generator (CESQG). Subtitle D of RCRA addresses disposal of non-hazardous solid waste.</i></p> |  |   |  |   |
| Regulations:<br>Conditionally<br>Exempt<br>Small<br>Quantity<br>Generators   | 40 CFR Part<br>261.5 and<br>391-3-11       | CESQGs generate 100 kilograms or less per month of hazardous waste, or 1 kilogram per month or less of acutely hazardous waste. Requirements include: <ul style="list-style-type: none"> <li>- CESQGs must identify all the hazardous waste generated.</li> <li>- CESQGs may not accumulate more than 1,000 kilograms of hazardous waste at any time.</li> <li>- CESQGs must ensure that hazardous waste is delivered to a person or facility authorized to manage it.</li> </ul> | EPD Generator<br>Compliance<br>Program | These requirements would be applicable to operation of the plant and Oglethorpe would comply. Oglethorpe would be required to notify the EPD. |
| Subtitle D<br>Regulations  | 40 CFR Parts<br>257 and 258<br>and 391-3-4 | These regulations specify the requirements for disposal of non-hazardous solid waste, including requirements for construction, operation and permitting of landfills.   | EPD                                    | Oglethorpe will dispose of solid waste in off-site permitted landfills owned and operated by others.  |

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| <p><b>Laws:</b><br/> National Historic Preservation Act of 1966 (NHPA) – 16 USC 470 <i>et seq.</i><br/> Georgia Historic Preservation Act – OCGA 44-10-20<br/> <i>The NHPA requires RUS to consult with the State Historic Preservation officer (SHPO) prior to construction to ensure that no historic properties would be affected by the Proposal. RUS must also afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on the Proposal.</i></p> |                    |  |   |   |
| Regulations:<br>Advisory<br>Council on<br>Historic<br>Preservation<br>Regulations.   | 36 CFR Part<br>800 | Implementation of Section 106 of the NHPA, including<br>assessment of eligibility of sites for the National<br>Register of Historic Places (NRHP). | Georgia SHPO<br>and Tribe must<br>concur with<br>NRHP eligibility<br>(in this case, not<br>eligible). | RUS has<br>obtained State<br>and Tribal<br>concurrence. |

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| <p><b>Laws:</b><br/> Archaeological Resources Protection Act – 16 USC 470aa <i>et seq.</i><br/> Abandoned Cemeteries and Burial Grounds – 36-72-1<br/> American Indian Religious Freedom Act – 42 USC 1996<br/> <i>These laws protect human remains, and American Indian religious and funerary objects. RUS has coordinated with Tribes and will follow the provisions of these laws if human remains or applicable objects are found during construction.</i></p>  |                 |  |                                  |   |
| <p><b>Laws:</b><br/> Endangered Species Act – 16 USC 1531 <i>et seq.</i><br/> Fish and Wildlife Conservation Act – 16 USC 29-1 <i>et seq.</i><br/> Fish and Wildlife Coordination Act – 16 USC 661 <i>et seq.</i><br/> Georgia State Wildlife Policy – Georgia Code Titles 12 and 27<br/> Bald and Golden Eagle Protection Act – 42 USC 668-668d<br/> Migratory Bird Treaty Act – 16 USC 703-712<br/> <i>These laws protect fish and wildlife resources. The Endangered Species Act protects threatened and endangered species and requires that federal agencies consult with the US Fish and Wildlife Service (FWS) if threatened or endangered (T&amp;E) species may be impacted. The Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act specifically protect bald and golden eagles and migratory birds. The Fish and Wildlife Conservation and Coordination Acts encourage other federal agencies to coordinate with FWS to protect fish and wildlife. RUS will comply with these laws through coordination with the FWS in the NEPA process.</i></p> |                 |  |                                  |   |
| T&E regulations.   | 50 CFR Part 402 | Describes consultation procedures for federal agencies related to T&E species. | FWS                              | Coordination through the NEPA process. No effects expected. |

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| <p><b>Law:</b><br/> Federal Noise Control Act, as amended – 42 USC 4901 <i>et seq.</i><br/> <i>Section 4 of this law directs federal agencies to carry out programs in their jurisdictions “to the fullest extent within their authority” and in a manner that furthers a national policy of promoting an environment free from noise that jeopardizes health and welfare.</i></p> |                     |   |   |   |
| Noise Abatement and Control  | 24 CFR 51 Subpart B | Establishes noise protection standards.   | Not directly applicable; however, RUS references these standards. | To be included in Oglethorpe Power specifications for contractor. |
| <p><b>Law:</b><br/> Farmland Protection Policy Act – 7 USC 4201 <i>et seq.</i><br/> <i>This law directs federal agencies to identify and quantify adverse impacts of federal programs on farmlands. The Act’s purpose is to minimize federal activities that contribute to the irreversible conversion of agricultural land to non-agricultural uses.</i></p>                      |                     |   |   |   |
| Regulations  | 7 CFR 658           | Requires federal agencies to consider impacts on farmland and to coordinate with the Natural Resources Conservation Service (NRCS). | NRCS  | RUS will complete the Form AD 1006 and coordinate with the NRSC.  |

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| <p><b>Law:</b><br/>           Safe Drinking Water Act – 42 USC 300 <i>et seq.</i><br/> <i>This law establishes procedures to ensure the safety of public water supply systems and protection of underground sources of drinking water. The Proposal would receive potable water from a local water district.</i></p> |                  |  |                                  |   |
| Sole Source Aquifers   | 40 CFR 149       | Establishes protections for aquifers that are a sole source of drinking water.                                 | EPA                              | No designated sole source aquifers are located anywhere near the Proposal area (none in Georgia. Nearest would be the Volusia-Floridian Aquifer in east-central Florida). |
| <p><b>Law:</b><br/>           Occupational Safety and Health Act – 9 USC 651 <i>et seq.</i><br/> <i>This law was established to protect workers in construction and general industry.</i></p>  |                  |  |                                  |   |
| Occupational Safety and Health Standards   | 29 CFR Part 1910 | Establishes safety and health requirements for personnel working with hazardous materials and hazardous waste. | OSHA                             | Oglethorpe Power to include in contract specifications.   |
| Safety and Health Regulations for Construction   | 29 CFR Part 1926 | Established health and safety requirements and procedures for workers.   | OSHA                             | Oglethorpe Power to include in contract specifications.   |

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| <p><b>Law:</b><br/> Wild and Scenic River Act – 16 USC 1271<br/> <i>This law protects rivers designated by Congress as Wild and Scenic. Proposal is not near any Wild and Scenic Rivers. The only listed water within Georgia is the Chattooga River located in North Georgia.</i></p> |                |  |   |  |
| <p><b>Law:</b><br/> Federal Aviation Act – 49 USC 1301 <i>et seq.</i></p>  |                |  |   |  |
| Objects Affecting Navigable Airspace   | 14 CFR Part 77 | Requires compliance with the Federal Aviation Administration (FAA) to identify any potential impacts, such as emissions or height of construction, on air safety and navigable airspace. | FAA regulations. If any part of the project exceeds notification criteria under FAR Part 77, notice should be filed at least 30 days prior to the proposed construction date. | Proposal would comply. Plant stack (chimney) would have lighting in accordance with FAA requirements. Air fields were avoided through the original siting process. |

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| <b>Law:</b><br>Georgia Groundwater Use Act – OCGA 12-5-90 |                       |   |                                  |  |
| Groundwater Use Regulations                               | 391-3-2               | Establishes limits and permit requirements for ground water use.  | EPD Watershed Protection Branch  | Oglethorpe Power would need a permit for withdrawals in excess of 100,000 gallons per day for any purpose. While a well may be used for construction, this quantity of water would not be available. |
| <b>Executive Orders</b>                                   |                       |   |                                  |  |
| Protection and Enhancement of Environmental Quality       | Executive Order 11514 | Protection of environment provides leadership for protecting and enhancing the quality of the Nation's environment to sustain and enrich human life.              | Addressed through NEPA process.  | Proposal would comply.   |
| Intergovernmental Review of Federal Programs              | Executive Order 12372 | Directs federal agencies to consult with and solicit comments from state and local government officials whose jurisdictions would be affected by federal actions. | Addressed through NEPA process.  | RUS is conducting consultation with state and local officials.   |

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| Protection of Wetlands  | Executive Order 11990 | Directs federal agencies to take action to minimize the destruction, loss, or degradation of wetlands.  | Addressed through NEPA process.         | Alternatives were evaluated and Proposal was designed to avoid wetlands as practicable. Proposal would comply. |
| Floodplain Management   | Executive Order 11988 | Directs federal agencies to take action to reduce the risk of flood loss; minimize the impacts of floods on human safety, health, and welfare; and restore and preserve the natural and beneficial values served by floodplains.                    | Addressed through NEPA process.         | Proposal complies: all floodplain impacts avoided.   |
| Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations | Executive Order 12898 | Requires federal actions to achieve environmental justice by identifying and addressing disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. | Addressed through NEPA process          | Proposal would comply, as documented in the draft EIS.   |
| Protection of Children From Environmental Health Risks and Safety Risks                             | Executive Order 13045 | Requires federal actions and policies to identify and address disproportionately adverse risks to the health and safety of children.  | N/A                                     | The Proposal does not entail particular risks to health and safety of children.                                |

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| Responsibilities of Federal Agencies To Protect Migratory Birds | Executive Order 13186 | Directs executive departments and agencies to take certain actions to further implement the Migratory Bird Treaty Act. | Addressed through NEPA process          | Proposal would comply. |