

Fact Sheet: EPA Proposed Denial of Alternative Coal Combustion Residuals Closure Deadline for Waukegan Generating Station

The United States Environmental Protection Agency proposed a decision on the deadline extension request made by Midwest Generation, LLC for the Waukegan Generating Station in Waukegan, Illinois. EPA proposes denying the request because preliminary results suggest that the facility has not met the requirements in the CCR regulations to grant this extension.

What is the Waukegan Generating Station Proposed Decision?

EPA regulations require the two unlined CCR surface impoundments at Waukegan Generating Station to stop receiving waste and begin closure by April 11, 2021. The regulations also outline a process for facilities to seek extensions to the cease receipt of waste deadline. EPA reviews these requests and posts proposed decisions to approve or deny them. An EPA proposed decision is subject to a 30-day public comment period, after which EPA issues a final decision on the request.

On June 20, 2023, EPA released a proposed decision on the deadline extension request submitted by Midwest Generation for the Waukegan Generating Station in Waukegan, Illinois. EPA has proposed to deny the request because preliminary findings indicate that the facility has not met the requirements in the CCR regulations to grant this extension. EPA proposed to deny the request because preliminary findings indicate that the facility has

not met the requirements in the CCR regulations to grant this extension which includes:

- Failure to consider individual wastestreams, conduct a site-specific analysis for alternative capacity, and consider removing the coal ash in the berms;
- Failure to meet the “closure by removal” standard for the West Ash Pond;
- Insufficient groundwater monitoring system, inappropriate groundwater statistics, unmonitored groundwater pathways, and inadequate screening of groundwater wells;
- Incorrect identification of alternate source(s) of contamination.

The proposed decision’s 30-day comment period is from July 5 to August 4, 2023.

Why is the Proposed Decision Important?

Unlined CCR surface impoundments have the potential to leak coal ash byproduct and pollute water sources, including surface water and

groundwater. Approximately 500 unlined CCR surface impoundments exist nationwide.

The CCR Part A Final Rule, published on August 28, 2020, requires unlined CCR surface impoundments to stop receiving waste and begin closure by April 11, 2021. Facilities had the option to submit deadline extension requests to EPA under two circumstances. One is for facilities that need additional time to develop alternative capacity to manage the waste streams presently being sent to the impoundments. The other is for facilities that are permanently ceasing operation of a coal-fired boiler by a date certain. These facilities could submit a demonstration showing a continued need to use the surface impoundment due to lack of capacity.

What Happens Next?

EPA may issue a final decision to approve the request, which means the facility's deadline extension request is granted. Conversely, EPA may issue a final decision to deny the request, which means the facility must cease receipt of waste in the unlined impoundment. If a final decision is not issued by October 15, 2023, Waukegan would need to cease receipt of waste on or before that date.

In the interest of maintaining grid reliability, the Agency is also proposing a process for these facilities to seek additional time, if necessary to address demonstrated grid reliability issues. This process depends in part on reliability assessments from the relevant regional transmission organizations, ensuring a reliable supply of electricity while protecting public health.

What Other Proposed or Final Decision(s) has EPA Released?

EPA received 57 deadline extension requests. In January 2022, EPA determined 52 to be complete, four incomplete, and one ineligible for an extension. Incomplete and ineligible

requests received no further consideration. Of the 52 complete requests, EPA proposed four denials (which includes Waukegan Generating Station) and four conditional approvals. In November 2022, EPA issued the first final decision which was a denial of the request from General James M. Gavin Plant in Cheshire, Ohio.

Public Comment

EPA is accepting public comments on the Waukegan Generating Station proposed decision from July 5, 2023 through August 4, 2023. You may send comments, identified by Docket ID. No. EPA-HQ-OLEM-2023-0209 through any of the following methods:

- Federal e-Rulemaking Portal: <https://www.regulations.gov> (our preferred method). Follow the online instructions for submitting comments.
- Mail: U.S. Environmental Protection Agency, EPA Docket Center, Office of Land and Emergency Management, Docket ID No. EPA-HQ-OLEM-2023-0209, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

Where Can I Find More Information?

1. Read about the CCR Part A Rule and EPA's review of the requests on our webpage: <https://www.epa.gov/coalash/coal-combustion-residuals-ccr-part-implementation>
2. Learn about coal ash: www.epa.gov/coalash.
3. For information about how to submit comments, contact Frank Behan by email at behan.frank@epa.gov or by telephone at (202) 566-0531.
4. For press inquiries, contact: press@epa.gov.