Legacy CCR Surface Impoundment and CCR Management Unit Proposed Rule Information Session

Waukegan Coal Ash Community Meeting

June 27, 2023

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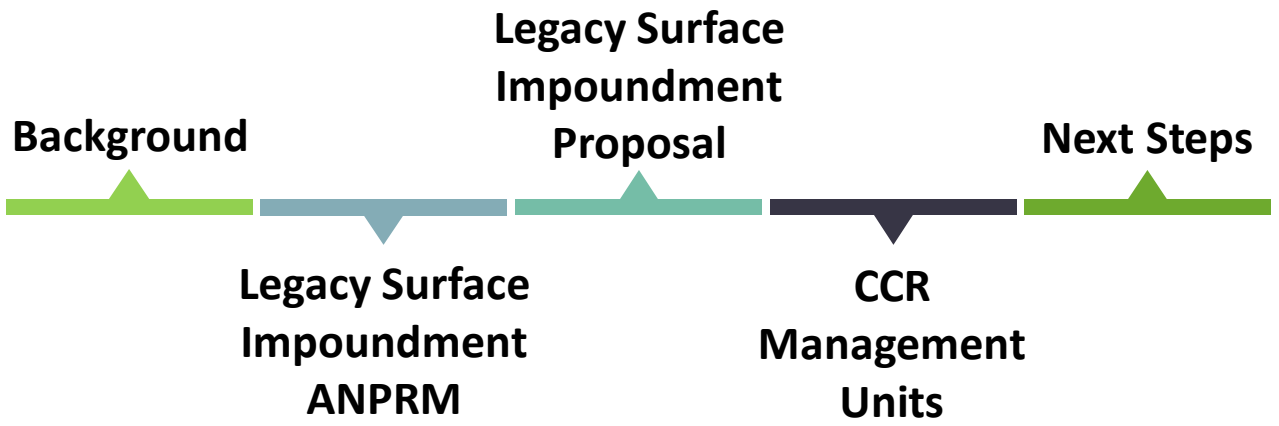
Overview

Purpose:

To inform the Waukegan Community about the legacy CCR surface impoundment proposal and expanding clean up and closure obligations to CCR management units.



Background

- Inactive coal ash surface impoundments at inactive facilities
  - Referred to as “legacy CCR surface impoundments”
  - More likely to be unlined and unmonitored, making them more prone to leaks and structural problems than units at facilities that are currently in service.
- These units are currently not regulated at the federal level — a gap that a federal court directed EPA to address in 2018.

Legacy Surface Impoundment ANPRM

- As a first step to implement this part of the court decision, EPA sought comments and data on inactive surface impoundments at inactive facilities to assist in the development of future regulations for these CCR units.
- Published October 14, 2020 (85 FR 65015), and sought comment on:
  - EPA's regulatory authority
  - A potential definition of a legacy CCR surface impoundments
  - Information on the number of legacy units
  - Names and locations of former power plants that may have legacy units and when they closed, and
  - Regulatory approach and timeframes
- EPA received approximately 15,100 total comments with 25 substantive comments in response to the October 14, 2020 ANPRM.

Legacy Surface Impoundment Proposal

- Establish a definition of a legacy CCR surface impoundment:
  - A surface impoundment (i.e., an impoundment designed to hold CCR and liquids that continues to treat, store or dispose of CCR) that is located at a power plant that ceased generating power prior to October 19, 2015 (the effective date of the CCR rule), and the surface impoundment contained both CCR and liquids on or after October 19, 2015 (the effective date of the original CCR rule).
- Require compliance with:
  - Majority of requirements under the existing CCR rule for active units (e.g., inspections, structural stability, groundwater monitoring, corrective action, and closure).
    - Exclude location restrictions and liner demonstration
- Propose expedited compliance deadlines:
  - 6 months post publication – Applicability, CCR website, dust plan
  - 9 months post publication – Structural stability assessments
  - 12 months post publication – Groundwater sampling plan
  - 18 months post publication – 1st groundwater monitoring report, closure plan, and initiation of closure

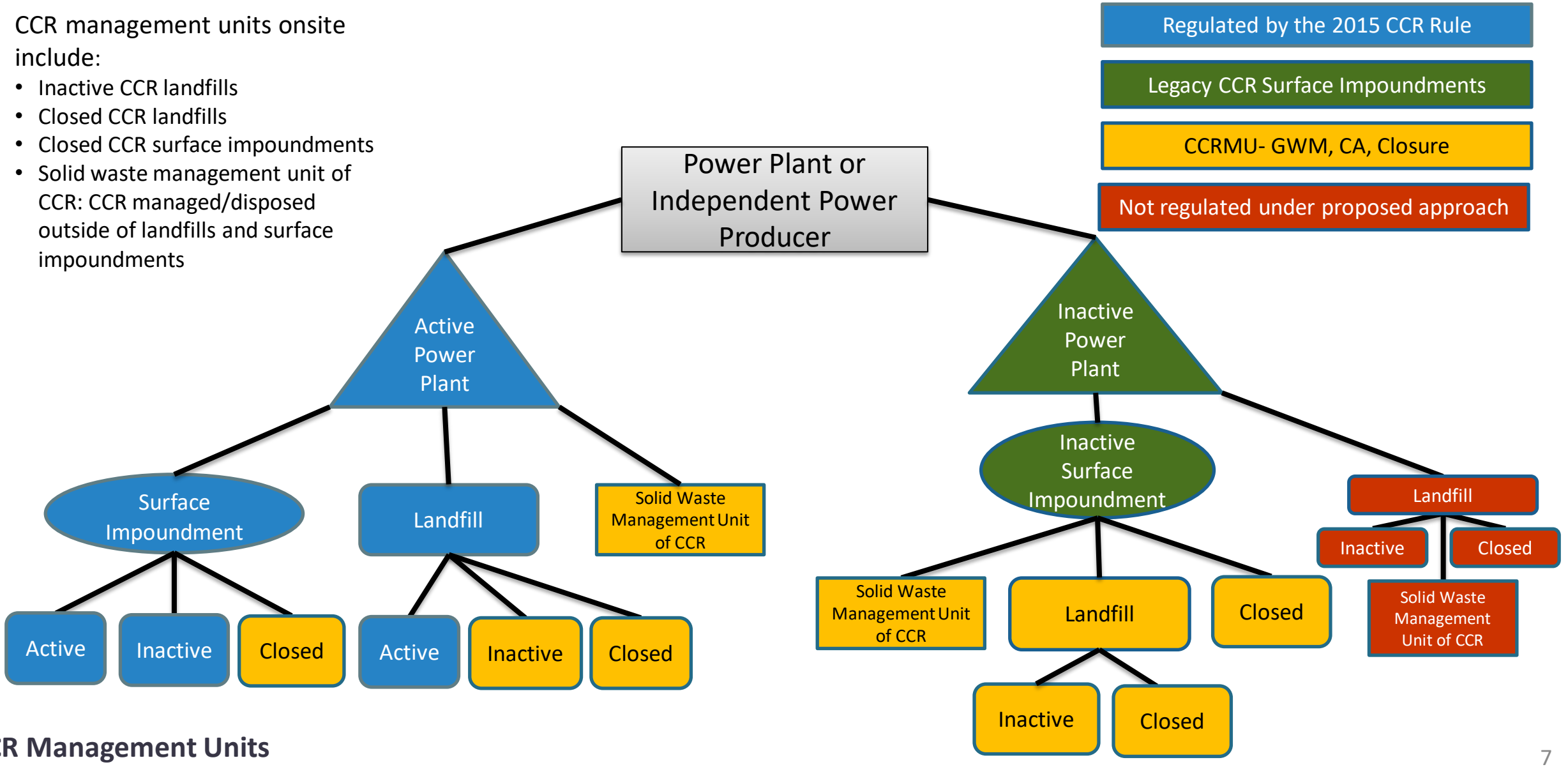
CCR Management Units (CCRMU) Proposal

- In addition, through implementation of the 2015 CCR rule, EPA found that power plants with regulated coal ash units had also disposed of coal ash in areas outside of regulated units.
- These areas could include:
  - Coal ash in surface impoundments and landfills that closed prior to the effective date of the 2015 CCR Rule,
  - Inactive coal ash landfills, and
  - Other areas where coal ash is placed directly on the land.
- The Agency found areas with groundwater contamination from these historical coal ash disposal areas.
- The Agency is proposing to apply certain protections in EPA's coal ash regulations to these areas.

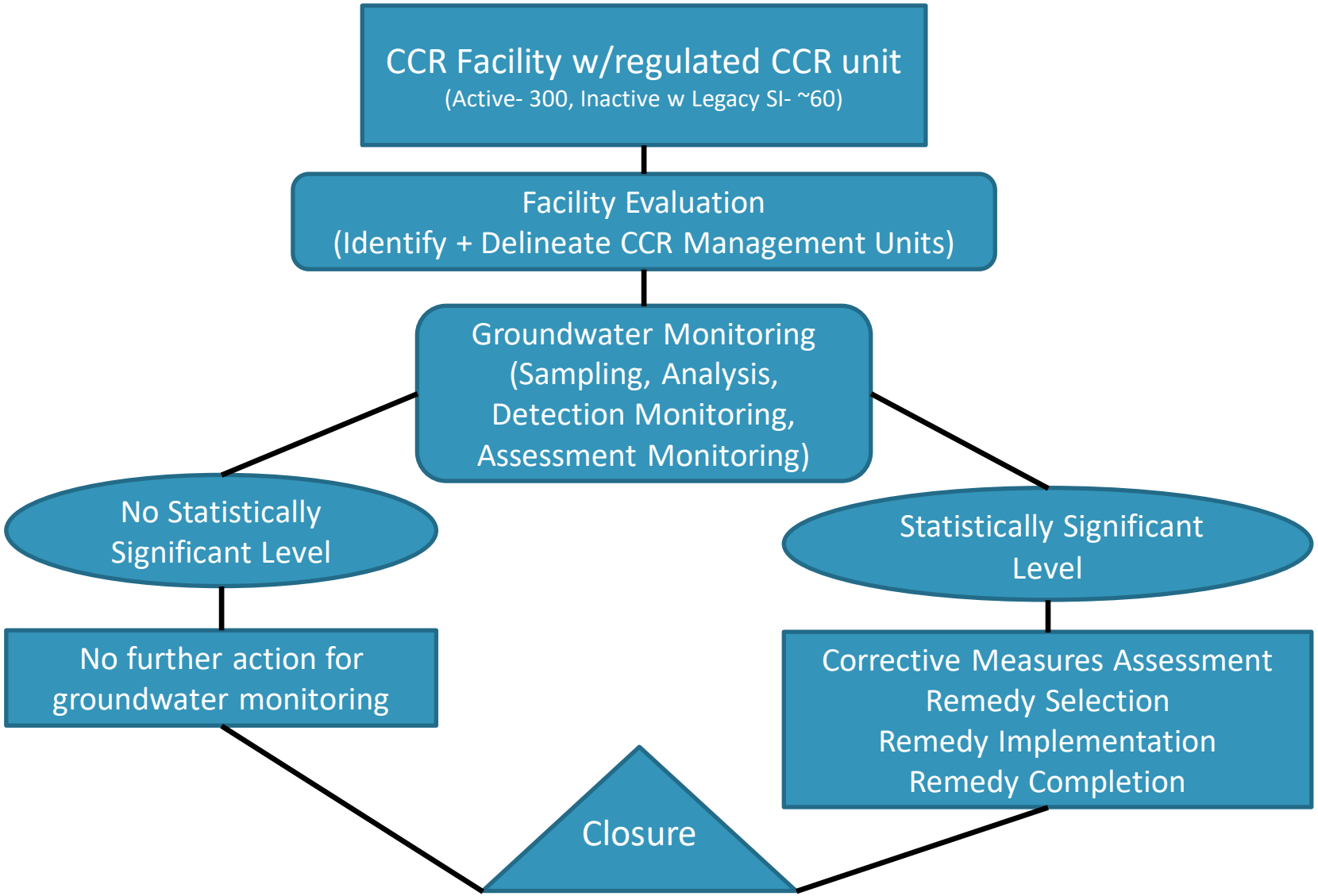
CCR Management Units Universe Scope

CCR management units onsite include:

- Inactive CCR landfills
- Closed CCR landfills
- Closed CCR surface impoundments
- Solid waste management unit of CCR: CCR managed/disposed outside of landfills and surface impoundments



CCR Management Units Regulatory Process



Waukegan Generating Station

Schedule

- Public Comment Period open until July 17, 2023
  - You may submit public comments online or in mail.
  - Online: https://www.regulations.gov
  - Mail:

    U.S. Environmental Protection Agency, EPA Docket Center, Office of Land and Emergency Management

    Docket ID No. EPA-HQ-OLEM-2020-0107

    Mail Code 28221T

    1200 Pennsylvania Avenue NW, Washington, DC 20460

- Two public hearings
  - June 28, 2023 at the Kimpton Gray Hotel in downtown Chicago, IL
  - July 12, 2023 online
  - More information can be found on EPA's coal ash website