Message

From: Damico, Brian [Damico.Brian@epa.gov]
Sent: 9/13/2021 3:23:56 PM
To: Benware, Richard [Benware.Richard@epa.gov]
Subject: FW: Inquiry from Charleston Gazette on CCR in West Virginia

Can you take a stab at #1 and #2?

Thanks!

-B

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From: Nagle, Deborah <Nagle.Deborah@epa.gov>
Sent: Monday, September 13, 2021 11:07 AM
To: Wood, Robert <Wood.Robert@epa.gov>
Cc: Huff, Lisa <Huff.Lisa@epa.gov>; Damico, Brian <Damico.Brian@epa.gov>; Lalley, Cara <Lalley.Cara@epa.gov>
Subject: FW: Inquiry from Charleston Gazette on CCR in West Virginia

Can you provide a response to #1 and #2

Thanks

From: Pollins, Mark <Pollins.Mark@epa.gov>
Sent: Friday, September 10, 2021 3:41 PM
To: Hull, George <Hull.George@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Raack, Melissa <Raack.Melissa@epa.gov>; Nagle, Deborah <Nagle.Deborah@epa.gov>
Subject: RE: Inquiry from Charleston Gazette on CCR in West Virginia

George, very interesting inquiry given that we and OW are in discussions with Appalachian Power regarding compliance with the ELG. On the deadlines, I am copying Deborah Nagle in OST. Also copying Ben and Melissa Raack so we can discuss further.

Mark Pollins, Director
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From: Hull, George <Hull.George@epa.gov>
Sent: Friday, September 10, 2021 2:57 PM
To: Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>
Subject: Inquiry from Charleston Gazette on CCR in West Virginia

Mark and Joe,
A reporter with the Charleston Gazette has sent questions related to regulation of Coal Ash Residuals surface impoundments in West Virginia. OLEM has provided a draft response to question #3. OPA is looking to OECA to provide responses to questions #1 and #2. David Cozad recommended that I reach out to WED, as he thought you might be able to provide responses. Thanks, George

From the reporter:

Hope you're doing well. I'm working on a story on the Appalachian Power and Wheeling Power electric utilities requesting that the West Virginia Public Service Commission reopen a case in which they're seeking approval for implementation of and cost recovery for compliance with the EPA's coal combustion residual and effluent limitation guidelines at three different in-state coal-fired power plants. I have the following questions that I was hoping you could provide responses for by my deadline of 3:30 p.m. today. Thank you very much regardless.

1. The utilities say that there is an Oct. 13 deadline for them to notify the West Virginia Department of Environmental Protection whether they intend to retire the plants to comply with the ELG rule. Is that true, and if so, can that deadline be extended?
2. If the Companies later decide not to complete ELG compliance improvements for some units, will they be required to cease coal operations at those units by each unit's ELG compliance deadline (June 30, 2023 for Mitchell, Dec. 31, 2022 for Amos and June 1, 2022 for Mountaineer)?
3. Is it true, as the utilities report, that the EPA has tolled an April 11, 2021 deadline date to begin closing bottom ash ponds at the three coal-fired power plants (the Amos, Mitchell and Mountaineer facilities) pending its decision on the extension requests and has not issued a decision regarding their requests to extend the CCR rule deadline? (pages 20 and 21 here)

OLEM's recommended response to Question #3:

EPA continues to evaluate the requests facilities submitted for extensions to the April 11, 2021 deadline of when unlined coal combustion residual (CCR) surface impoundments must stop receiving waste. EPA is carefully reviewing the requests and will be making thoughtful decisions on them. Until final determinations are made, the deadline to stop placing waste into unlined CCR surface impoundments is paused for the facilities that have submitted extension requests. The deadline pause only applies to the surface impoundments for which a facility submitted an extension request. Essentially, yes, the deadline tolls until EPA takes final action.