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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 20, 2023

Mr. Norman Divers
Vice President, Environment, Health & Safety
Gibbons Creek Environmental Redevelopment Group, LLC
12601 Plantside Drive
Jefferson, KY 40299-6386

Via email

Subject: Acknowledgement of Partial Closure Certification Report of CCR Surface Impoundments;
CCR Registration No. CCR113; RN111395034/CN605860162

Dear Mr. Divers:

The Industrial and Hazardous Waste (IHW) Permits Section of the Texas Commission on Environmental Quality (TCEQ) reviewed a Closure Certification Report dated April 28, 2023 addressing the closure of coal combustion residuals (CCR) surface impoundments, Scrubber Sludge Pond and Ash Ponds A, B, and C (Notice of Registration Unit Nos. WMU 004 and WMU 006). Based on the information provided in the report and included in the CCR application, these units and the waste they contained were removed on June 3, 2022. Based on the information in the application and the closure certification from the professional engineer dated July 18, 2022, TCEQ agrees that CCR surface impoundments (WMU 004 and WMU 006) have had the waste and the physical structures removed; additionally, TCEQ agrees these units should remain in post-closure care until the facility demonstrates that constituent concentrations throughout any areas affected by releases from the CCR unit have been removed and groundwater monitoring concentrations do not exceed the groundwater protection standard.

TCEQ will fully evaluate the groundwater monitoring and assessment system and status, annual groundwater monitoring and corrective action reports, alternate source demonstrations, and post-closure care plans as part of the registration application review process. While TCEQ agrees these CCR units have had waste removed, Gibbons Creek Environmental Redevelopment Group, LLC (GCERG) must continue to monitor groundwater, conduct any necessary investigation if constituents are detected above actionable levels, and fully follow their post-closure care plan, until TCEQ is in agreement that GCERG can exit post-closure care.

Please be aware that it is the continuing obligation of persons associated with a site to ensure that CCR is managed in a manner which does not cause the discharge or imminent threat of discharge of waste into or adjacent to waters in the state, a nuisance, or the endangerment of the public health and welfare as required by 30 TAC §352.6. If the closure fails to comply with these requirements, the burden remains upon GCERG to take any necessary and authorized action to correct such conditions.

We will include this letter as part of the registration application and file. If you have any questions concerning this matter, please contact Mrs. Eun Ju Lee at (512) 239-4774 or at eunju.lee@tceq.texas.gov.

Sincerely,

A handwritten signature in cursive script that reads "Charly Fritz".

Charly Fritz, Deputy Director
Waste Permits Division