



Electric Energy, Inc.
Luminant
1500 Eastport Plaza Drive
Collinsville, IL 62234

November 30, 2023

Re: Annual Progress Report (§ 257.103(f)(2)(x)) for the Joppa Power Plant East Ash Pond

Pursuant to 40 C.F.R. § 257.103(f)(2)(x), Electric Energy, Inc. has prepared this “annual progress report documenting the continued lack of alternative capacity and the progress towards the closure of the CCR surface impoundment.”

Continued Lack of Alternative Capacity

As set forth in the retirement demonstration dated November 24, 2020 for the Joppa Power Plant East Ash Pond, no alternative capacity existed for the CCR and non-CCR waste streams that were being disposed in the Joppa East Ash Pond. As EPA explained in the preamble to the proposed Part A revisions, “it would be illogical to require [] facilities [ceasing power generation] to construct new capacity to manage CCR and non-CCR wastestreams.” 84 Fed. Reg. 65,941, 65,956 (Dec. 2, 2019). EPA again reiterated in the preamble to the final revisions that “[i]n contrast to the provision under § 257.103(f)(1), the owner or operator does not need to develop alternative capacity because of the impending closure of the coal fired boiler.” 85 Fed. Reg. 53,516, 53,547 (Aug. 28, 2020). Up until the Joppa East Ash Pond ceased receiving waste as of October 2023, there were no existing options to dispose of CCR and non-CCR other than in the Joppa East Ash Pond.

Progress Towards Closure

The retirement demonstration dated November 24, 2020 for the Joppa Power Plant indicated that construction of closure is expected to begin on July 17, 2024 with closure complete by October 17, 2028 as required by 40 C.F.R. 257.103(f)(2)(iv)(B). The Joppa Power Plant ceased operations on August 31, 2022. With respect to the completion of closure activities at the Joppa Power Plant, circumstances have not changed, and closure is expected to be complete by October 17, 2028 deadline. To date, progress towards closure includes bidding and awarding an engineer service firm for the CCR impoundment closure design in order for closure to be completed by the 2028 deadline. Work has begun to design final closure.

On July 28, 2022, the Joppa Power Plant submitted a closure plan to Illinois EPA as part of its construction permit application pursuant to 35 I.A.C § 845.220. On August 16, 2022, a notice was posted on the company’s public CCR website indicating that the closure plan under 40 C.F.R. § 257.102 was updated to incorporate the closure plan previously submitted to Illinois EPA.

On October 24, 2023, EEI submitted a request to USEPA to withdraw the pending retirement demonstration submitted for the Joppa Power Plant, indicating that all waste flows to the East Ash Pond have now ceased.

Sincerely,

A handwritten signature in blue ink that reads 'Cynthia E. Vodopivec'.

Cynthia Vodopivec
Senior Vice President – Environmental, Health & Safety