



Zimmer Power Company LLC
Luminant
6555 Sierra Drive
Irving, TX 75039

November 30, 2023

Re: Annual Progress Report (§ 257.103(f)(2)(x)) for the Zimmer Power Plant

In accordance with 40 C.F.R. § 257.103(f)(2)(x), Zimmer Power Company LLC (Zimmer) submits 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 August 13, 2021, for the Zimmer Gypsum Recycle Pond, Coal Pile Runoff Pond, and D Basin, no alternative capacity existed for the CCR and non-CCR waste streams that were disposed in the Zimmer impoundments. 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 impoundments ceased receiving waste in October 2022, there were no existing options to dispose of CCR and non-CCR other than in the Zimmer Pond System.

Progress Towards Closure

As set forth in the retirement demonstration dated August 13, 2021, boiler operations ceased on May 31, 2022 and the initial impoundment in closure sequence ceased receiving waste on October 14, 2022. Closure was completed by October 17, 2023, as required by 40 C.F.R. 257.103(f)(2)(iv)(A). Accordingly, Zimmer submitted a request on October 24, 2023 to USEPA to withdraw the pending retirement demonstration.

Sincerely,

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

Cynthia Vodopivec
Senior Vice President – Environmental, Health & Safety