



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

January 11, 2022

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

Mr. Richard E. Dunn
Director
Georgia Environmental Protection Division
2 Martin Luther King, Jr. Drive
Suite 1456, East Tower
Atlanta, Georgia 30334

Re: Georgia Coal Combustion Residuals Permit Program

Dear Mr. Dunn:

Thank you for meeting with us yesterday in advance of the announcement about the actions the Agency is taking to advance EPA's commitment to protecting groundwater from CCR contamination. Today, the U.S. Environmental Protection Agency (EPA) explained portions of the CCR regulations regarding the closure performance standards at 40 Code of Federal Regulations (CFR) § 257.102(d) applicable to CCR surface impoundments and landfills. Specifically, EPA explained how these performance standards apply in situations where waste in the closing CCR unit is in contact with groundwater. You can find our explanation in EPA's proposed denial notice of Gavin Power LLC's extension request pursuant to 40 C.F.R. § 257.103(f)(1). The closure discussion is in Section III.E.1 of the proposed decision, which can be found at <https://www.epa.gov/coalash/coal-combustion-residuals-ccr-part-implementation>.

We appreciate the continued dialogue between EPA's CCR Program and the Georgia Environmental Protection Division (EPD) to continue to work together on these issues. For example, on June 3, 2021, EPA and EPD met to discuss the closure-in-place performance standards codified in the CCR regulations. The primary topic of discussion was to hear from EPD how they were interpreting and applying the closure performance standards in the permitting of CCR facilities/units in Georgia.

Giving consideration to the closure discussion provided in the proposed action for Gavin Power LLC, EPA is requesting that EPD review its pending and issued CCR permits to determine whether the permits are consistent with this explanation and whether they need to be modified or reissued. We understand that EPD may need some time to complete this review. EPA is proposing to meet the week of January 24, 2022 to discuss the results of your review and we will reach out to you to confirm the details of the virtual meeting.

EPA is committed to working with EPD to ensure that CCR permits address all applicable requirements and are consistent with the federally approved Georgia CCR Permit Program. If you have any questions or wish to discuss this further, please contact Richard Huggins of my

staff, in EPA's Office of Resource Conservation and Recovery at Huggins.Richard@epa.gov or at (202) 566-0543.

Sincerely,

Carolyn Hoskinson, Director
Office of Resource Conservation and Recovery

cc: Mr. John Eunice
Deputy Director, Georgia Department of Natural Resources
Mr. Chuck Mueller
Branch Chief, Georgia Department of Natural Resources
Mr. William Cook
Program Manager, Georgia Department of Natural Resource
Mr. Casey Katims
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Mr. Daniel Blackman
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