



SMITH, GAMBRELL & RUSSELL, LLP

*David Montgomery Moore*

*Direct Tel: 404-815-3515*

*Direct Fax: 404-685-6815*

*dmoore@sgr.law.com*

October 17, 2016

Director Richard Dunn  
Georgia Department of Natural Resources  
Environmental Protection Division  
2 Martin Luther King Jr. Drive  
Suite 1456, East Tower  
Atlanta, GA 30334

**VIA ELECTRONIC AND CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Re: Notification Pursuant to with 40 C.F.R. § 257.106  
Crisp County Power Commission

Dear Director Dunn:

Crisp County Power Commission (CCPC) is providing this notification in accordance with 40 C.F.R. § 257.106. CCPC has an inactive surface impoundment which last received coal combustion residuals (CCR) in August 2015. CCPC is writing to provide notification that CCPC has been placed in the operating record and on its publicly accessible internet site its ash impoundment closure plan in accordance with 40 C.F.R. §§ 257.102. The plan contains ash impoundment liner information. CCPC has previously placed in the operating record and on its publicly accessible internet site its fugitive dust control plan in accordance with 40 C.F.R. § 257.80.

Although United States Environmental Protection Agency (EPA) August rules would provide an owner/operator of an inactive surface impoundment until April 17, 2018 to develop a closure plan, CCPC out of an abundance of caution has prepared a closure plan in accordance with 40 C.F.R. § 257.102(b) at this time. As the Georgia Environmental Protection Division (GEPD) is aware, the United States Environmental Protection Agency issued its Rule for Disposal of Coal Combustion Residuals from Electric Utilities, 80 Fed. Reg. 21,302 (EPA CCR Rule) on April 17, 2015. A portion of the rule addressing inactive surface impoundments was subject of legal challenge. Recently, on August 5, 2016, EPA issued revised rules relating to inactive surface impoundments such as the ash pond at CCPC's Plant Crisp. *See* 81 Fed.

Richard Dunn, Director  
Georgia EPD  
October 17, 2016  
Page 2

Reg. 51,802 (Aug. 5, 2016). Inactive ash ponds may require a closure plan be prepared no later than April 17, 2018. 40 C.F.R. § 257.100(e)(6).

CCPC has reviewed the revisions to the inactive surface impoundment rules. In an abundance of caution, CCPC has determined that it would develop the closure plan in accordance with regulatory provisions for existing or new ash impoundments and provide this notification of placed of the closure plan in the operating record and on its publicly accessible internet site. Note that the closure plan calls for removal of CCR. Geosyntec Consultants, Inc. indicates that closure may be completed by February 2018.

The closure plan was developed considering the GEPD's regulations at Georgia Department of Natural Resources Rules, Section 391-3-4-.10 (GDNR CCR Rule). In the event that changes to those regulations occur at finalization, CCPC would amend the closure plan accordingly. As Georgia Environmental Protection Division is aware, Plant Warwick may be operated using both coal and fuel oil. Plant Warwick has not utilized coal since August 2015 and accordingly has not generated CCR dust.

Please contact me if you require further information.

Best regards



David M. Moore, Partner

Cc: Mary Jackson, Materials Recovery and Waste Management Division, United States Environmental Protection Agency, Headquarters

Jon Johnson, Chief, Division of Solid Waste, United States Environmental Protection Agency, Region 4

Jeff Cown, Manager, Waste Division, Georgia Environmental Protection Division

Steve Rentfrow, Manager, Crisp County Power Commission