

TCEQ Public Meeting Form
April 9, 2015

Lower Colorado River Authority
Water Quality TPDES Permit Renewal
Permit No. WQ0002105000

PLEASE PRINT

Name:

Robert E. Balzer

Mailing Address:

1412 Zapala Rd

Physical Address (if different):

City/State:

LAGRANGE TX

Zip:

78945

****This information is subject to public disclosure under the Texas Public Information Act****

Email:

robertbalzer4@gmail.com ✓

Phone Number:

512-496-9950

- Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? _____

Please add me to the mailing list.

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting. ✓

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

July 25, 2014

ROBERT E. BALZER
1412 ZAPALAC RD
La Grange, TX 78945

RECEIVED

APR 09 2015

AT PUBLIC MEETING

RE: Final Analytical Report
ELS Workorder Q1426043

Attn: ROBERT BALZER

Enclosed are the analytical results for sample(s) received by LCRA Environmental Laboratory Services. Results reported herein conform to the most current NELAP standards, where applicable, unless otherwise narrated in the body of the report.

Thank you for selecting ELS for your analytical needs. If you have any questions concerning this report, please feel free to contact us at (512) 356-6022. We look forward to assisting you again.

Authorized for release by:


Bhanu Acharya
Project Manager
bhanu.acharya@lcra.org



Enclosures

T104704218-14-10

mcw

SAMPLE SUMMARY

Workorder: Q1426043

Lab ID	Sample ID	Matrix	Date Collected	Date Received
Q1426043001	OUTDOOR FAUCET CLOSE TO WELLHE	Drinking Water	7/8/2014 04:00	7/8/2014 13:50



LCRA Environmental Laboratory Services
3505 Montopolis Drive
Austin, TX 78744
Phone: (512)356-6022
Fax: (512)356-6021

PROJECT SUMMARY

Workorder: Q1426043

Sample Analysis Comments

Lab ID: Q1426043001

Sample ID: OUTDOOR FAUCET
CLOSE TO WELLHE

Analyte: Arsenic Total

Analyte Detected Above Maximum Contaminant Level



ANALYTICAL RESULTS

Workorder: Q1426043

Lab ID: **Q1426043001** Date Received: 7/8/2014 13:50 Matrix: Drinking Water
 Sample ID: **OUTDOOR FAUCET CLOSE TO WELLHE** Date Collected: 7/8/2014 04:00 Sample Type: SAMPLE
 Project ID: **TEST**

Parameters	Results	Units	LOD	PQL	MCL	DF	Prepared	By	Analyzed	By	Qual
INORGANICS											
Analysis Desc: E200.7 Metals, Trace Elements			Preparation Method: E200.7 Prep								
			Analytical Method: E200.7 Metals, Trace Elements								
Magnesium Total	0.467	mg/L	0.0700	0.200		1	07/11/14	FM	07/15/14 13:01:22	MV	
Analysis Desc: E200.8, ICP-MS			Preparation Method: E200.8, ICP-MS Prep								
			Analytical Method: E200.8, ICP-MS								
Arsenic Total	0.0253	mg/L	0.000700	0.00200	0.01	1	07/11/14	FM	07/23/14 11:06:00	SLW	M
Lead Total	<0.00100	mg/L	0.000400	0.00100	0.015	1	07/11/14	FM	07/16/14 18:52:00	SLW	
TOTAL DISSOLVED SOLIDS											
Analysis Desc: SM2540C, TDS			Preparation Method: SM2540C, TDS								
			Analytical Method: SM2540C, TDS								
Total Dissolved Solids(TDS)	799	mg/L	10.0	25.0	1000	10	07/14/14	ML	07/14/14	ML	



LCRA Environmental Laboratory Services
3505 Montopolis Drive
Austin, TX 78744
Phone: (512)356-6022
Fax: (512)356-6021

ANALYTICAL RESULTS QUALIFIERS

Workorder: Q1426043

PARAMETER QUALIFIERS

Lab ID: Q1426043001

M Analyte Detected Above Maximum Contaminant Level

September 15, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

*LWD
93275*

REVIEWED

SEP 17 2014

By *[Signature]*

PM

CHIEF CLERK'S OFFICE

2014 SEP 17 AM 9:33

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: Notice of Application and Intent to Obtain Water Quality Permit Renewal for the LCRA Fayette Power Plant, Permit No. WQ0002105000

Dear Chief Clerk:

I am writing to request a public meeting to discuss the Lower Colorado River Authority's ("LCRA") application and intent to obtain a water quality permit for the Fayette Power Plant. Each day across the United States, coal-burning power plants like the LCRA Fayette Power Plant dump millions of gallons of wastewater loaded with toxic pollutants like arsenic, boron, cadmium, chromium, lead, mercury, and selenium into our rivers, lakes, and streams. This toxic soup can be harmful to humans and aquatic life in even small doses. This pollution is discharged directly from plants and waste pits; flows from old, unlined surface impoundments that many plants use to store toxic slurries of coal ash and smokestack scrubber sludge; and seeps from unlined ponds and landfills into ground and surface waters.

LCRA's own 2010 annual groundwater monitoring report shows that groundwater near the coal ash ponds and a landfill at the Fayette Plant contains levels of arsenic, selenium, cobalt, and molybdenum exceeding Texas Protective Contamination Levels (PCLs) and federal Maximum Contaminant Levels (MCLs). Selenium levels have reached more than 4 times the PCL and MCL, cobalt levels have reached more than 3 times the PCL, and molybdenum has exceeded the federal Life-time Health Advisory by nearly 4 times and exceeded the PCL in water down-gradient or cross-gradient of ash disposal areas. Aluminum, chloride, manganese, sulfate and total dissolved solids exceed federal secondary MCLs.

Moreover, according to LCRA's report, many of the groundwater monitoring wells are located within the shallow groundwater bearing Middle Sand Unit. LCRA acknowledges that the "Middle Sand is believed to be in communication with the Cedar Creek Reservoir," and that contaminated groundwater "could migrate beyond the boundaries of the [Fayette Power Plant] property." In short, pollution from the Fayette Plant's leaking coal ash dumps could potentially impact water quality in the Cedar Creek Reservoir and nearby residential drinking water wells.

Despite this imminent public health risk, the current draft Clean Water Act permit fails to set effluent limits for almost all of the toxic pollutants found in coal ash wastewaters, or address the seeps and leaks from the plant's coal ash disposal units. In addition:

- **The current Draft Permit does not set effluent limits for the numerous toxic pollutants that are regularly discharged in coal ash wastewaters.** Under the Clean

[Handwritten signature]

Water Act, Clean Water Act permits must include technology-based effluent limits for all discharged pollutants. Despite the fact that EPA has identified 27 pollutants found in coal ash wastewaters (including, aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, mercury, molybdenum, nickel, selenium, silver, sodium, thallium, tin, titanium, vanadium, yttrium, and zinc), the current permit for the Fayette Plant only imposes limits on one toxic pollutant—selenium. ***The revised Clean Water Act permit must impose effluent limits that eliminate or control toxic discharges as required by law.***

- **TCEQ must also require LCRA to clean up and prevent pollution from its leaking coal ash disposal units.** Discharges, including leaks and seeps, of leachate from the Plant's coal ash impoundments and landfills to surface waters and/or groundwater with a hydrogeological connection to surface water without a permit are prohibited by the Clean Water Act. LCRA itself has identified concentrations of pollutants like arsenic, selenium, molybdenum, and cobalt at levels that exceed federal and state groundwater standards, and acknowledged that this pollution is occurring in groundwater that communicates with the Cedar Creek Reservoir and could migrate offsite. ***The revised Clean Water Act permit must impose requirements to clean up and eliminate pollution leaks and seeps into hydro geologically connected ground and surface waters.***

In sum, it does not appear that the existing permit, if renewed, would comply with the federal Clean Water Act ("CWA") or state law, including the Texas Water Code and the Texas Surface Water Quality Standards. I respectfully request that TCEQ hold a public meeting to provide an opportunity for the public to address these critical public health threats.

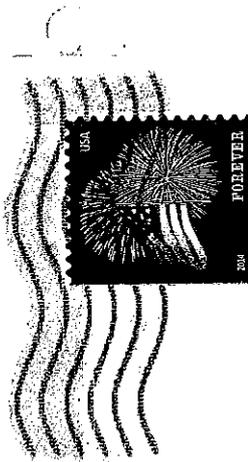
Thank you for considering these comments and my request for a public meeting.

Sincerely,



Robert E. Balzer
1412 Zapalac Rd.
La Grange, Tx 78945

ROBERT E. BALZER
1412 ZAPALAC ROAD
LA GRANGE, TX 78945



AUSTIN TX 787
RIO GRANDE DISTRICT
16 SEP 2014 PM 2.1

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 17 AM 9:33

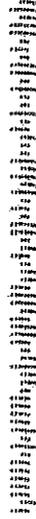
CHIEF CLERKS OFFICE

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
P, O, Box 13087
Austin, Tx 78711-3087

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SEP 17 2014

TCEQ MAIL CENTER
AJ



78711308787

TCEQ Public Meeting Form
April 9, 2015

Lower Colorado River Authority
Water Quality TPDES Permit Renewal
Permit No. WQ0002105000

PLEASE PRINT

Name: Daniela Bloch

Mailing Address: 1002 West Avenue Suite 305

Physical Address (if different): _____

City/State: Austin, TX Zip: 78701

This information is subject to public disclosure under the Texas Public Information Act

Email: dbloch@environmentalintegrity.org ✓

Phone Number: (512) 637-9476

• Are you here today representing a municipality, legislator, agency, or group? Yes No
If yes, which one? Environmental Integrity Project

Please add me to the mailing list.

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting. ✓

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

MW

1

TCEQ Public Meeting Form
April 9, 2015

Lower Colorado River Authority
Water Quality TPDES Permit Renewal
Permit No. WQ0002105000

PLEASE PRINT

Name: NEIL CARMAN

Mailing Address: 1202 SAN ANTONIO

Physical Address (if different): _____

City/State: AUSTIN, TX Zip: 78701

This information is subject to public disclosure under the Texas Public Information Act

Email: Neil_Carman@greenbuilder.com

Phone Number: 512-472-1767

• Are you here today representing a municipality, legislator, agency, or group? Yes No
If yes, which one? SIERRA CLUB

Please add me to the mailing list.

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

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mu

September 12, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

Handwritten: LWD / STEPH / 93373

REVIEWED

SEP 15 2014

By D

CHIEF CLERK OFFICE

2014 SEP 15 AM 10:42

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: Notice of Application and Intent to Obtain Water Quality Permit Renewal for the LCRA Fayette Power Plant, Permit No. WQ0002105000

Dear Chief Clerk:

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LCRA's own 2010 annual groundwater monitoring report shows that groundwater near the coal ash ponds and a landfill at the Fayette Plant contains levels of arsenic, selenium, cobalt, and molybdenum exceeding Texas Protective Contamination Levels (PCLs) and federal Maximum Contaminant Levels (MCLs). Selenium levels have reached more than 4 times the PCL and MCL, cobalt levels have reached more than 3 times the PCL, and molybdenum has exceeded the federal Life-time Health Advisory by nearly 4 times and exceeded the PCL in water down-gradient or cross-gradient of ash disposal areas. Aluminum, chloride, manganese, sulfate and total dissolved solids exceed federal secondary MCLs.

Moreover, according to LCRA's report, many of the groundwater monitoring wells are located within the shallow groundwater bearing Middle Sand Unit. LCRA acknowledges that the "Middle Sand is believed to be in communication with the Cedar Creek Reservoir," and that contaminated groundwater "could migrate beyond the boundaries of the [Fayette Power Plant] property." In short, pollution from the Fayette Plant's leaking coal ash dumps could potentially impact water quality in the Cedar Creek Reservoir and nearby residential drinking water wells.

Despite this imminent public health risk, the current draft Clean Water Act permit fails to set effluent limits for almost all of the toxic pollutants found in coal ash wastewaters, or address the seeps and leaks from the plant's coal ash disposal units. In addition:

The current Draft Permit does not set effluent limits for the numerous toxic pollutants that are regularly discharged in coal ash wastewaters. Under the Clean September 12, 2014

Handwritten signature: M W

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
September 12, 2014
Page 2

Water Act, Clean Water Act permits must include technology-based effluent limits for all discharged pollutants. Despite the fact that EPA has identified 27 pollutants found in coal ash wastewaters (including, aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, mercury, molybdenum, nickel, selenium, silver, sodium, thallium, tin, titanium, vanadium, yttrium, and zinc), the current permit for the Fayette Plant only imposes limits on one toxic pollutant—selenium. ***The revised Clean Water Act permit must impose effluent limits that eliminate or control toxic discharges as required by law.***

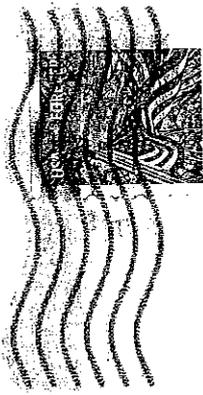
- **TCEQ must also require LCRA to clean up and prevent pollution from its leaking coal ash disposal units.** Discharges, including leaks and seeps, of leachate from the Plant's coal ash impoundments and landfills to surface waters and/or groundwater with a hydrogeological connection to surface water without a permit are prohibited by the Clean Water Act. LCRA itself has identified concentrations of pollutants like arsenic, selenium, molybdenum, and cobalt at levels that exceed federal and state groundwater standards, and acknowledged that this pollution is occurring in groundwater that communicates with the Cedar Creek Reservoir and could migrate offsite. ***The revised Clean Water Act permit must impose requirements to clean up and eliminate pollution leaks and seeps into hydrogeologically connected ground and surface waters.***

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Thank you for considering these comments and my request for a public meeting.

Sincerely,

Edwin Cook
Printed Name: Edwin Cook
Mailing Address:
712 N. Mason
Lagrange TX, 78945
Phone: 512 718 7153
Email: Edwin.Cook@aol.com



AUSTIN TX 787
RIO GRANDE DISTRICT
13 SEP 2014 PM 2 L

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SEP 15 2014

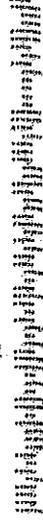
TCEQ MAIL CENTER
JR

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 15 AM 10:42

CHIEF CLERK'S OFFICE

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087



7871308787

TCEQ Public Meeting Form
April 9, 2015

Lower Colorado River Authority
Water Quality TPDES Permit Renewal
Permit No. WQ0002105000

PLEASE PRINT

Name: JEFFREY COOK

Mailing Address: 712 N Main LaGrange TX 78945

Physical Address (if different): _____

City/State: LaGrange TX Zip: 78945

This information is subject to public disclosure under the Texas Public Information Act

Email: JEFFREY9COOK@VERIZON.NET ✓

Phone Number: 512 497-0037

• Are you here today representing a municipality, legislator, agency, or group? Yes No
If yes, which one? TREW

Please add me to the mailing list. ✓

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

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(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

CRW

4-9-2015

Dear TCEQ

IT your Responsibility TO PROTECT
The Rural People of TEXAS, otherwise
They will Be the Native Americans of our time
and The Future. Until the industrial age ~~consumes~~
Consumes their environment completely. air and
water are of absolute importance to life itself.


Sincerely

Jeffrey Cook

RECEIVED

APR 09 2015

AT PUBLIC MEETING



September 12, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

Handwritten: LWD
93226
STEPH

REVIEWED

SEP 15 2014

By [Signature]

CHIEF CLERK'S OFFICE

2014 SEP 15 AM 10:43

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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Handwritten signature: [Signature]

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
September 12, 2014
Page 2

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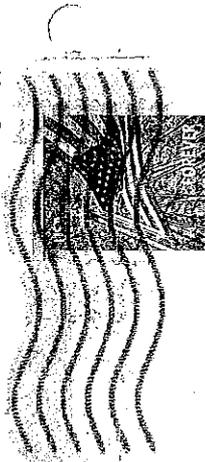
JEFFREY COOK
Printed Name: _____

Mailing Address:

712 W MAID
LA GRANGE TX 78945

Phone: 512 497-0037

Email: JEFFREY@COOK@VERIZON.NET



AUSTIN TX 787
RIO GRANDE DISTRICT
13 SEP 2014 PM 2 L

RECEIVED

SEP 15 2014

TCEQ MAIL CENTER
JR

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 15 AM 10:43

CHIEF CLERKS OFFICE



78711308757

September 12, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

Handwritten: 10/17/14
93275

REVIEWED

SEP 16 2014

By HP

Handwritten: PM

RE: Notice of Application and Intent to Obtain Water Quality Permit Renewal for the LCRA Fayette Power Plant, Permit No. WQ0002105000

2014 SEP 15 PM 2:55

CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
September 12, 2014
Page 2

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Thank you for considering these comments and my request for a public meeting.

Sincerely,

Jonathan Cook
Printed Name: Jonathan Cook
Mailing Address:
1041 Grove Drive
Angleton, TX 77515
Phone: (979) 571-2268
Email: bacook2222@aol.com ✓



Cook
1041 Grove Dr
Angleton, TX 77515



NORTH HOUSTON TX 77060

13 SEP 2014 4:16:11

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 15 PM 2: 56

CHIEF CLERKS OFFICE

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED

SEP 15 2014

TCEQ MAJL CENTER



78711308787

September 8th, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

*Steph
Dum*

REVIEWED

SEP 16 2014

By *[Signature]*

pm

CHIEF CLERK'S OFFICE

2014 SEP 16 AM 10:26

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

**RE: Notice of Application and Intent to Obtain Water Quality Permit Renewal for the
LCRA Fayette Power Plant, Permit No. WQ0002105000**

Dear Chief Clerk:

We are writing to request a public meeting to discuss the Lower Colorado River Authority's ("LCRA") application and intent to obtain a water quality permit for the Fayette Power Plant. Each day across the United States, coal-burning power plants like the LCRA Fayette Power Plant dump millions of gallons of wastewater loaded with toxic pollutants like arsenic, boron, cadmium, chromium, lead, mercury, and selenium into our rivers, lakes, and streams. This toxic soup can be harmful to humans and aquatic life in even small doses. This pollution is discharged directly from plants and waste pits; flows from old, unlined surface impoundments that many plants use to store toxic slurries of coal ash and smokestack scrubber sludge; and seeps from unlined ponds and landfills into ground and surface waters.

LCRA's own 2010 annual groundwater monitoring report shows that groundwater near the coal ash ponds and a landfill at the Fayette Plant contains levels of arsenic, selenium, cobalt, and molybdenum exceeding Texas Protective Contamination Levels (PCLs) and federal Maximum Contaminant Levels (MCLs). Selenium levels have reached more than 4 times the PCL and MCL, cobalt levels have reached more than 3 times the PCL, and molybdenum has exceeded the federal Life-time Health Advisory by nearly 4 times and exceeded the PCL in water down-gradient or cross-gradient of ash disposal areas. Aluminum, chloride, manganese, sulfate and total dissolved solids exceed federal secondary MCLs.

Moreover, according to LCRA's report, many of the groundwater monitoring wells are located within the shallow groundwater bearing Middle Sand Unit. LCRA acknowledges that the "Middle Sand is believed to be in communication with the Cedar Creek Reservoir," and that contaminated groundwater "could migrate beyond the boundaries of the [Fayette Power Plant] property." In short, pollution from the Fayette Plant's leaking coal ash dumps could potentially impact water quality in the Cedar Creek Reservoir and nearby residential drinking water wells.

Despite this imminent public health risk, the current draft Clean Water Act permit fails to set effluent limits for almost all of the toxic pollutants found in coal ash wastewaters, or address the seeps and leaks from the plant's coal ash disposal units. In addition:

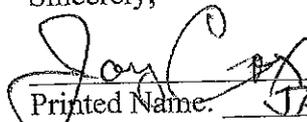
[Large handwritten signature]

- **The current Draft Permit does not set effluent limits for the numerous toxic pollutants that are regularly discharged in coal ash wastewaters.** Under the Clean Water Act, Clean Water Act permits must include technology-based effluent limits for all discharged pollutants. Despite the fact that EPA has identified 27 pollutants found in coal ash wastewaters (including, aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, mercury, molybdenum, nickel, selenium, silver, sodium, thallium, tin, titanium, vanadium, yttrium, and zinc), the current permit for the Fayette Plant only imposes limits on one toxic pollutant—selenium. *The revised Clean Water Act permit must impose effluent limits that eliminate or control toxic discharges as required by law.*
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In sum, it does not appear that the existing permit, if renewed, would comply with the federal Clean Water Act ("CWA") or state law, including the Texas Water Code and the Texas Surface Water Quality Standards. We respectfully request that TCEQ hold a public meeting to provide an opportunity for the public to address these critical public health threats.

Thank you for considering these comments and my request for a public meeting.

Sincerely,


Printed Name: JAY COX

Mailing Address:

TREW - TEXANS RESPONSIBLE FOR ENERGY & WATER
P.O. BOX 822, COLUMBUS, TEX. 78934
Email: TREW@BETREW.TDTEXAS.COM

TREW

P.O. Box 822

Columbus, Tex 78934

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SEP 16 2014

TCEQ MAIL CENTER

JB

POSTNET DISTRICT
15 SEP 2014 11:26 AM



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 16 AM 10:26

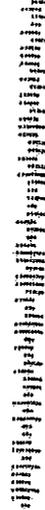
CHIEF CLERK'S OFFICE

*Bridget C. Bohac, Chief Clerk, MC 18
Texas Commission on Environmental Quality*

P.O. Box 13087

Austin, Tex. 78761-3087

7871308797



Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
September _____, 2014
Page 2

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Thank you for considering these comments and my request for a public meeting.

Sincerely,



Printed Name: GARY GRAY SOC

Mailing Address:

8080 W. Hwy 159

Phone: 979-966-7318

Email: _____

Bary Grayson
8080 W. Hwy 159
Fayetteville, Tex 78940

AUSTIN TX 787
P.O. BOX 13087
AUSTIN TX 78711

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SEP 16 2014

TCEQ MAIL CENTER



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ON ENVIRONMENTAL
QUALITY

2014 SEP 16 AM 10 21

CHIEF CLERK OFFICE

*Bridget C. Bohas, Chief Clerk, MC-705
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087*



7871308787

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, September 15, 2014 9:23 AM
To: PUBCOMMENT-OCC2
Subject: FW: Fayette Application Summary Comments 9 11 2014.docx
Attachments: Fayette Application Summary Comments 9 11 2014.docx

*100D
93275*

PM

From: CHIEFCLK
Sent: Monday, September 15, 2014 8:18 AM
To: PUBCOMMENT-OCC
Subject: FW: Fayette Application Summary Comments 9 11 2014.docx

From: Greenthumb [<mailto:greenthumb@skyconnect.net>]
Sent: Sunday, September 14, 2014 7:58 PM
To: CHIEFCLK
Subject: Fayette Application Summary Comments 9 11 2014.docx

We request a public meeting -
Suzanne & rusty green

MW

September 11, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

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Thank you for considering these comments and my request for a public meeting.

Sincerely,
Suzanne & Rusty Green
720 6th st.
Bay City, Tx 77414

September _____, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

*SLC
Dmt
9/13/14*

REVIEWED

SEP 16 2014

By *[Signature]*

CHIEF CLERK OFFICE

2014 SEP 16 AM 10: 23

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: *Notice of Application and Intent to Obtain Water Quality Permit Renewal for the LCRA Fayette Power Plant, Permit No. WQ0002105000*

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Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
September _____, 2014
Page 2

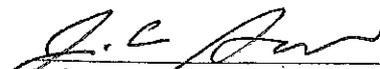
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Thank you for considering these comments and my request for a public meeting.

Sincerely,


Printed Name: J. C. GRIMM
Mailing Address:
306 N. Rusk St
Fayetteville, TX
Phone: 979-277-8519
Email: _____

J. C. Brimon
306 N. Rusk St.
Fayetteville, Tex 78944

SEP 16 2014
AUSTIN TX 787
P.O. GRANDE DISTRICT
78711-3087

RECEIVED

SEP 16 2014

TCEQ MAIL CENTER
JC

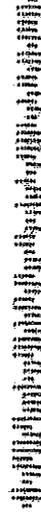


TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 16 AM 10:23

CHIEF CLERKS OFFICE

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087



78711308757

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Tuesday, September 16, 2014 9:16 AM
To: PUBCOMMENT-OCC2
Subject: FW: LCRA Application.

DM1
93275

PM

From: CHIEFCLK
Sent: Tuesday, September 16, 2014 8:39 AM
To: PUBCOMMENT-OCC
Subject: FW: LCRA Application.

From: celeste hagaman [<mailto:vallorie61@hotmail.com>]
Sent: Monday, September 15, 2014 7:26 PM
To: CHIEFCLK
Cc: Celeste Morgan Hagaman; allison Sliva; Irene Solnik
Subject: LCRA Application.

Gentlemen, I request a public meeting to discuss

the LCRA's application.

Thank you,

Celeste Hagaman
35 CR 243
Bay City, Texas
77414-3355

MW

September ____, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

Handwritten: DMW / STECEB 9/3/14

REVIEWED *pm*

SEP 16 2014

By *[Signature]*

CHIEF CLERKS OFFICE

2014 SEP 16 AM 3: 25

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Notice of Application and Intent to Obtain Water Quality Permit Renewal for the LCRA Fayette Power Plant, Permit No. WQ0002105000

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Sincerely,

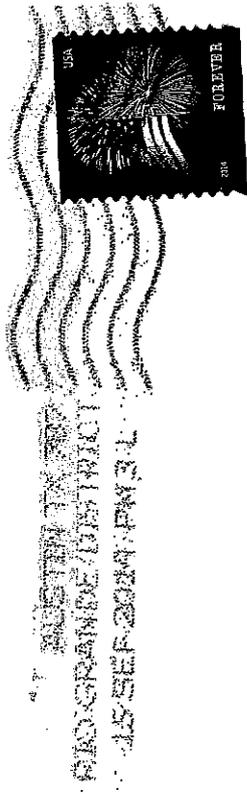

Printed Name: Carol Hayek
Mailing Address: 6149 Baca Rd
Fayetteville, Texas 78940
Email: _____

Carol Hayek
6149 Boca Rd
Fayetteville, TX 78940

RECEIVED

SEP 16 2014

TOEQ MAIL CENTER
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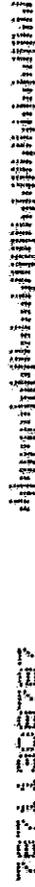


TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 16 AM 10:25

CHIEF CLERKS OFFICE

Bridget C. Bohac
Chief Clerk, MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087



September _____, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

LWD
93275
REVIEWED *pm*
SEP 16 2014
By *[Signature]*

CHIEF CLERK'S OFFICE

2014 SEP 16 AM 10:26

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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[Handwritten signature]

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
September _____, 2014
Page 2

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Thank you for considering these comments and my request for a public meeting.

Sincerely,



Printed Name: HARVEY HAYEK

Mailing Address:

6149 BACA ROAD
FAYETTEVILLE, TEXAS 78940

✓ Email: TOTAL@EUCTX.COM (ALL LOWER CASE)

Harry Hayes
6149 Baca Rd
Fayetteville, TX 78940

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SEP 16 2014

TCEQ MAIL CENTER
JB



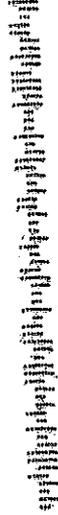
AUSTIN TX 787
POST OFFICE BOX 13087
AUSTIN TX 78711-13087

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 16 AM 10:26

CHIEF CLERKS OFFICE

Quality
Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental
P.O. Box 13087
Austin, Texas 78711-3087



78711308787

September 9, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

Handwritten initials: LCP/9328

REVIEWED

SEP 16 2014

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By *Handwritten signature*

CHIEF CLERK'S OFFICE

2014 SEP 16 AM 10: 26

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: Notice of Application and Intent to Obtain Water Quality Permit Renewal for the LCRA Fayette Power Plant, Permit No. WQ0002105000

Dear Chief Clerk:

We are writing to request a public meeting to discuss the Lower Colorado River Authority's ("LCRA") application and intent to obtain a water quality permit for the Fayette Power Plant. Each day across the United States, coal-burning power plants like the LCRA Fayette Power Plant dump millions of gallons of wastewater loaded with toxic pollutants like arsenic, boron, cadmium, chromium, lead, mercury, and selenium into our rivers, lakes, and streams. This toxic soup can be harmful to humans and aquatic life in even small doses. This pollution is discharged directly from plants and waste pits; flows from old, unlined surface impoundments that many plants use to store toxic slurries of coal ash and smokestack scrubber sludge; and seeps from unlined ponds and landfills into ground and surface waters.

LCRA's own 2010 annual groundwater monitoring report shows that groundwater near the coal ash ponds and a landfill at the Fayette Plant contains levels of arsenic, selenium, cobalt, and molybdenum exceeding Texas Protective Contamination Levels (PCLs) and federal Maximum Contaminant Levels (MCLs). Selenium levels have reached more than 4 times the PCL and MCL, cobalt levels have reached more than 3 times the PCL, and molybdenum has exceeded the federal Life-time Health Advisory by nearly 4 times and exceeded the PCL in water down-gradient or cross-gradient of ash disposal areas. Aluminum, chloride, manganese, sulfate and total dissolved solids exceed federal secondary MCLs.

Moreover, according to LCRA's report, many of the groundwater monitoring wells are located within the shallow groundwater bearing Middle Sand Unit. LCRA acknowledges that the "Middle Sand is believed to be in communication with the Cedar Creek Reservoir," and that contaminated groundwater "could migrate beyond the boundaries of the [Fayette Power Plant] property." In short, pollution from the Fayette Plant's leaking coal ash dumps could potentially impact water quality in the Cedar Creek Reservoir and nearby residential drinking water wells.

Despite this imminent public health risk, the current draft Clean Water Act permit fails to set effluent limits for almost all of the toxic pollutants found in coal ash wastewaters, or address the seeps and leaks from the plant's coal ash disposal units. In addition:

Handwritten signature: B. C. Bohac

- **The current Draft Permit does not set effluent limits for the numerous toxic pollutants that are regularly discharged in coal ash wastewaters.** Under the Clean Water Act, Clean Water Act permits must include technology-based effluent limits for all discharged pollutants. Despite the fact that EPA has identified 27 pollutants found in coal ash wastewaters (including, aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, mercury, molybdenum, nickel, selenium, silver, sodium, thallium, tin, titanium, vanadium, yttrium, and zinc), the current permit for the Fayette Plant only imposes limits on one toxic pollutant—selenium. *The revised Clean Water Act permit must impose effluent limits that eliminate or control toxic discharges as required by law.*
- **TCEQ must also require LCRA to clean up and prevent pollution from its leaking coal ash disposal units.** Discharges, including leaks and seeps, of leachate from the Plant's coal ash impoundments and landfills to surface waters and/or groundwater with a hydrogeological connection to surface water without a permit are prohibited by the Clean Water Act. LCRA itself has identified concentrations of pollutants like arsenic, selenium, molybdenum, and cobalt at levels that exceed federal and state groundwater standards, and acknowledged that this pollution is occurring in groundwater that communicates with the Cedar Creek Reservoir and could migrate offsite. *The revised Clean Water Act permit must impose requirements to clean up and eliminate pollution leaks and seeps into hydrogeologically connected ground and surface waters.*

In sum, it does not appear that the existing permit, if renewed, would comply with the federal Clean Water Act ("CWA") or state law, including the Texas Water Code and the Texas Surface Water Quality Standards. We respectfully request that TCEQ hold a public meeting to provide an opportunity for the public to address these critical public health threats.

Thank you for considering these comments and my request for a public meeting.

Sincerely,

Lee Hayek

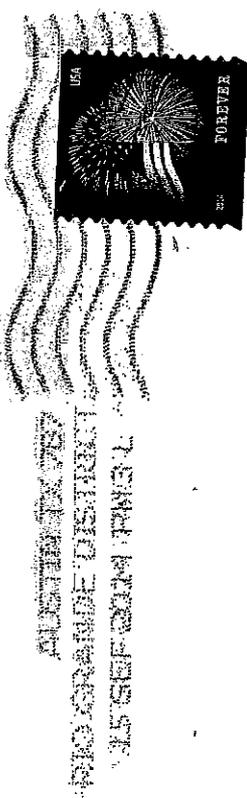
Printed Name: LEE HAYEK

Mailing Address:

609 AUSTIN ST.
COLUMBUS, TEXAS 78934

Email: N/A

~~1009 Austin Street~~
1009 Austin Street
Columbus, Tex. 78934



AUSTIN TEXAS
POST OFFICE DISTRICT
15 SEP 2014 17:30 L

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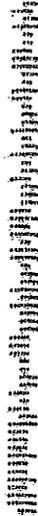
SEP 16 2014

TOEQ MAIL CENTER



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2014 SEP 16 10:26
CHIEF CLERK'S OFFICE

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Tex. 78711-3087



78711308767

September 11, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

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REVIEWED

SEP 16 2014

By

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CHIEF CLERKS OFFICE

2014 SEP 16 AM 10:23

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Notice of Application and Intent to Obtain Water Quality Permit Renewal for the LCRA Fayette Power Plant, Permit No. WQ0002105000

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Thank you for considering these comments and my request for a public meeting.

Sincerely,

THIS HAS TO STOP. THIS PLANT HAS A HISTORY OF DIRTY POLITICS AND POLLUTION. WHY HAVE LOCAL RESIDENTS BEEN SILENCED ABOUT THESE DISCHARGES? I WANT TO BE HEARD, AND HAVE THE LCRA ACCOUNTABLE FOR THEIR GROSS NEGLIGENCE.

Dwayne Hengst

DWAYNE HENGST

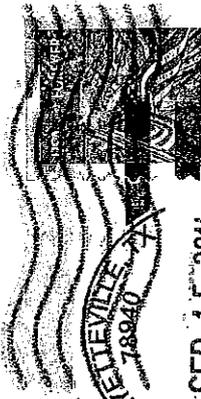
4370 LESLIE ROAD (JUST SOUTH OF THE POWER PLANT)

FAYETTEVILLE, TX 78940

979-253-0196

Hengst
437Q Leslie Rd
Fayetteville TX 78940

AUSTIN TX 787
RIO GRANDE DISTRICT
15 SEP 2014 PM 5 L



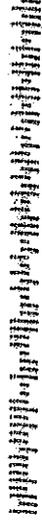
SEP 15 2014

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 16 AM 10: 23

USPS
CLERKS OFFICE

BRIDGET C. B ⁹⁴⁸⁵ RECEIVED
CHIEF CLERK, MC
TCEQ
SEP 16 2014
P.O. Box 13087 TCEQ MAIL CENTER
Austin, TX 78711-3087



7871308767

September 14, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

REVIEWED

SEP 17 2014

By [Signature]
CLERK

CHIEF CLERK'S OFFICE

2014 SEP 17 AM 9:32

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: Notice of Application and Intent to Obtain Water Quality Permit Renewal for the LCRA Fayette Power Plant, Permit No. WQ0002105000

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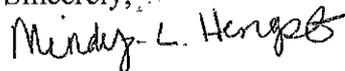
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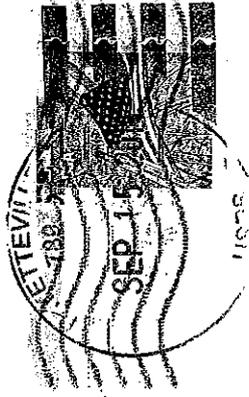
Sincerely,



Mindy L. Hengst
4370 Leslie Road
Fayetteville, Texas

My concern is for our water quality. I own and show expensive professional show horses, and their water comes directly out of our well. Why would you let the LCRA even think about contaminating our well water? Is this water you will come out here to drink at any time? Please put the politics aside, and think what is right for Texas and it's citizens

Mindy Hengst
4370 Leslie Road
Fayetteville, Texas 78940



AUSTIN TX 787
RIO GRANDE DISTRICT
15 SEP 2014 PM 4 L

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 17 AM 9:32

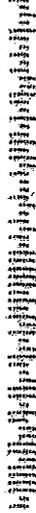
CHIEF CLERKS OFFICE

Bridget Bohac
Chief Clerk, MC-105
TCEQ
P.O. Box 13084
Austin, Texas 78711-3087

RECEIVED

SEP 17 2014

TCEQ MAIL CENTER
CS



78711308494

September 15, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

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REVIEWED *fm*
SEP 16 2014
By *[Signature]*

2014 SEP 16 AM 10:24
CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Notice of Application and Intent to Obtain Water Quality Permit Renewal for the LCRA Fayette Power Plant, Permit No. WQ0002105000

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Handwritten signature: [Signature]

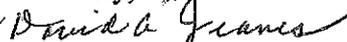
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Sincerely,



David & Geraldine Jeanes

4375 Leslie Rd

Fayetteville Texas 78940

djeanes@imsday.com ✓

David Jeanes
4375 Leslie Rd.
Fayetteville, TX 78940-5483

AUSTIN TX 787
RIO GRANDE DISTRICT
15 SEP 2014 PM 5 L



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 16 AM 10: 24

CHIEF CLERKS OFFICE

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Bridget C. Bohac
Chief Clerk, MC - 105

SEP 16 2014
TCEQ MAIL CENTER

TCEQ
P.O. Box 13087
Austin Texas 78711-3087



78711308787

September 12, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

LCRD
93275
REVIEWED *PM*
SEP 16 2014
By *BR*

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2014 SEP 15 PM 3:01
CHIEF CLERK'S OFFICE

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BR

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
September 12, 2014
Page 2

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Sincerely,

Dawn M Krenek
Printed Name: Dawn M Krenek
Mailing Address:
PO. Box 243
Fayetteville TX 78940
Phone: 979 250 3253
Email: dmlkrenek@aol.com ✓

DM KLENER
PO BOX 2046
FAVETEVILLE TX
78740



AUSTIN TX 787
RIO GRANDE DISTRICT
13 SEP 2014 PM 5 L

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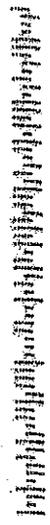
SEP 15 2014
TCEQ MAIL CENTER
JR

2014 SEP 15 PM 3:00

CHIEF CLERKS OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087



78711308757

September 12, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

SECRET

REVIEWED
SEP 15 2014 PM
By [Signature]

CHIEF CLERKS OFFICE

2014 SEP 15 AM 10:42

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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Texas Commission on Environmental Quality
September 12, 2014
Page 2

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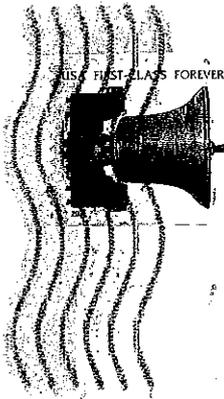
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Thank you for considering these comments and my request for a public meeting.

Sincerely,


Printed Name: Michelle L. Krenek
Mailing Address:
4211 John Chapman
San Antonio TX 78240
Phone: 254-541-6158
Email: mkrenek@gmail.com



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 15 AM 10:42

CHIEF CLERKS OFFICE

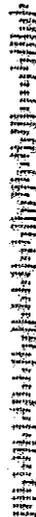
AUSTIN TX 787
RIO GRANDE DISTRICT
13 SEP 2014 PM 5 L

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SEP 15 2014

TCEQ MAIL CENTER
JR

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087



7871308787

September _____, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

*Steph
LWJ*

REVIEWED

SEP 16 2014

By *LB*

pm

CHIEF CLERKS OFFICE

2014 SEP 16 AM 10:22

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: Notice of Application and Intent to Obtain Water Quality Permit Renewal for the LCRA Fayette Power Plant, Permit No. WQ0002105000

Dear Chief Clerk:

We are writing to request a public meeting to discuss the Lower Colorado River Authority's ("LCRA") application and intent to obtain a water quality permit for the Fayette Power Plant. Each day across the United States, coal-burning power plants like the LCRA Fayette Power Plant dump millions of gallons of wastewater loaded with toxic pollutants like arsenic, boron, cadmium, chromium, lead, mercury, and selenium into our rivers, lakes, and streams. This toxic soup can be harmful to humans and aquatic life in even small doses. This pollution is discharged directly from plants and waste pits; flows from old, unlined surface impoundments that many plants use to store toxic slurries of coal ash and smokestack scrubber sludge; and seeps from unlined ponds and landfills into ground and surface waters.

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ML

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
September _____, 2014
Page 2

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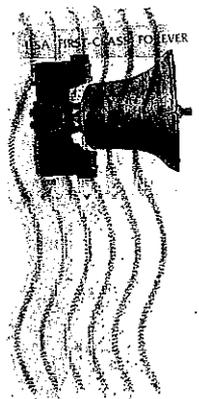
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Thank you for considering these comments and my request for a public meeting.

Sincerely,


Printed Name: MIKE KRENEK
Mailing Address:
P.O. Box 248
FAYETTEVILLE, TX 78940
Phone: 979-378-2252
Email: KRENEKS@CVCTX.COM ✓

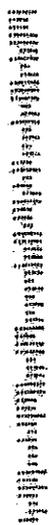


TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 16 AM 10: 22

CHIEF CLERKS OFFICE

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087



78711308787

MIKE KRENEK
P.O. BOX 248
FAYETTEVILLE, TX 78940
979-378-2252
CELL: 979-966-3650

RECEIVED

SEP 16 2014

TCEQ MAIL CENTER
JC

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
September 12, 2014
Page 2

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Sincerely,



Printed Name: PATRICIA A. KRENEK

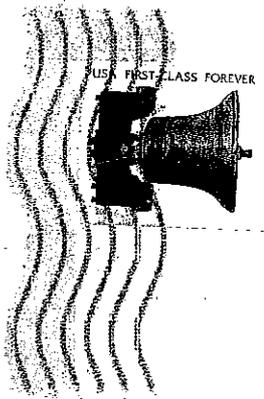
Mailing Address:

15446 W. Westwood Circle

HOUSTON, TX 77071

Phone: 713-721-4997

Email: patchili@aol.com ✓



AUSTIN TX 787
NIO GRANDE DISTRICT
13 SEP 2014 PM 5 L

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 15 AM 10: 41

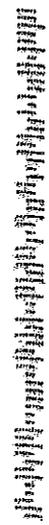
CHIEF CLERKS OFFICE

RECEIVED

SEP 15 2014

TCEQ MAIL CENTER
JR

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087



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September _____, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

Handwritten: LWD / 93276

REVIEWED

SEP 16 2014

By *bc*

CHIEF CLERK'S OFFICE

2014 SEP 16 AM 10:23

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: Notice of Application and Intent to Obtain Water Quality Permit Renewal for the LCRA Fayette Power Plant, Permit No. WQ0002105000

Dear Chief Clerk:

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Moreover, according to LCRA's report, many of the groundwater monitoring wells are located within the shallow groundwater bearing Middle Sand Unit. LCRA acknowledges that the "Middle Sand is believed to be in communication with the Cedar Creek Reservoir," and that contaminated groundwater "could migrate beyond the boundaries of the [Fayette Power Plant] property." In short, pollution from the Fayette Plant's leaking coal ash dumps could potentially impact water quality in the Cedar Creek Reservoir and nearby residential drinking water wells.

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Handwritten: R M

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
September _____, 2014
Page 2

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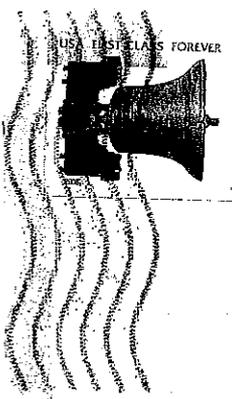
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Sincerely,

Rita Krennek
Printed Name: Rita Krennek
Mailing Address:
P.O. Box 248
Fay., Tx. 78940
Phone: 979-378-2252
Email: _____



AUSTIN TX 787
POSTOFFICE DISTRICT
0115 SEP 2014 11:31

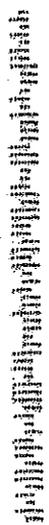
TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 16 AM 10: 23

CHIEF CLERKS OFFICE

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
SEP 16 2014
TCEQ MAIL CENTER
JG



78711308787

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, September 15, 2014 4:15 PM
To: PUBCOMMENT-OCC2
Subject: LCRA Fayette Power Plant, Permit No. WQ0002105000

PM

Handwritten: LWJ / 93278

From: Judy Landress [<mailto:jlandr2000@gmail.com>]
Sent: Monday, September 15, 2014 3:44 PM
To: CHIEFCLK
Subject: public meeting on white stallion water permit

September 15, 2014

Bridget C. Bohac

Chief Clerk, MC-105

Texas Commission on Environmental Quality

P.O. Box 13087

Austin, Texas 78711-3087

RE: Notice of Application and Intent to Obtain Water Quality Permit Renewal for the LCRA Fayette Power Plant, Permit No. WQ0002105000

Dear Chief Clerk:

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Sincerely,

Judy Landress

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, September 15, 2014 9:22 AM
To: PUBCOMMENT-OCC2
Subject: FW: Fayette Power Plant

Importance: High

1000
93275

From: CHIEFCLK
Sent: Monday, September 15, 2014 8:19 AM
To: PUBCOMMENT-OCC
Subject: FW: Fayette Power Plant
Importance: High

From: hq@theconservationagency.org [mailto:hq@theconservationagency.org]
Sent: Monday, September 15, 2014 6:54 AM
To: CHIEFCLK
Subject: Fayette Power Plant
Importance: High

Bridget C. Bohac, Chief Clerk MC-105
Texas Commission on Environmental Quality
Austin, Texas

Dear Chief Bohac,

I am a professional biologist with a long career invested in environmental conservation. I strongly oppose the plan of the Lower Colorado River Authority to increase coal pollution. Coal is a filthy, old-fashioned fuel that pollutes both air and water. There are much better, up-to-date alternatives.

Sincerely,

James Lazell, Ph. D.
The Conservation Agency
1140 Monroe St.,
Jackson, MS 39202

September 12, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

Handwritten: LWD / 130875

REVIEWED

SEP 15 2014 PM

By *[Signature]*

CHIEF CLERKS OFFICE

2014 SEP 15 AM 10:41

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Notice of Application and Intent to Obtain Water Quality Permit Renewal for the LCRA Fayette Power Plant, Permit No. WQ0002105000

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Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
September _____, 2014
Page 2

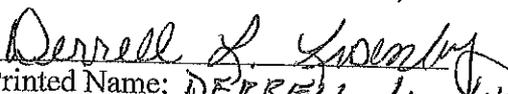
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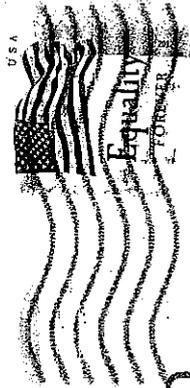
Thank you for considering these comments and my request for a public meeting.

Sincerely,


Printed Name: DERRELL L. WISENBY
Mailing Address:
4261 LESBIE Rd
FAYETTEVILLE TEXAS 78740
Phone: 979.249.2087
Email: derrell.wisenby@tceq.com ✓

Darrell L. Lisenby
4261 Leslie Rd.
Fayetteville, Tx 78940

AUSTIN TX 787
RIO GRANDE DISTRICT
13 SEP 2014 PM 5 L



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SEP 15 2014

TCEQ MAIL CENTER
JR

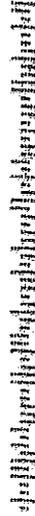
2014 SEP 15 AM 10:41

CHIEF CLERKS OFFICE

Bridget C. Behar
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

78711308767



September 12, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

Handwritten: LWD
93275

REVIEWED *PM*

SEP 18 2014

By *[Signature]*

CHIEF CLERKS OFFICE

2014 SEP 18 AM 10:40

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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Handwritten signature: [Signature]

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
September 12, 2014
Page 2

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Thank you for considering these comments and my request for a public meeting.

Sincerely,

Gerardette Martin

Printed Name: *Gerardette Martin*

Mailing Address: *8013 Hughes Ranch Road
Pearland Texas 77581*

Phone: *(281) 814 7963*

Email: *gmartin@martin.*

gerardette@martin-us.com ✓



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 18 AM 10:40

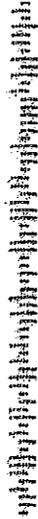
CHIEF CLERKS OFFICE

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SEP 18 2014

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BC

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087



787113087

September 12, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

DM
93075
REVIEWED
SEP 15 2014
By *BB*
CHIEF CLERKS OFFICE

2014 SEP 15 AM 10:45

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
September 12, 2014
Page 2

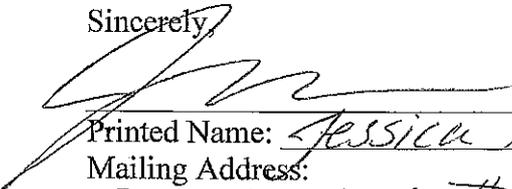
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Thank you for considering these comments and my request for a public meeting.

Sincerely,


Printed Name: Jessica M. Martin
Mailing Address: 3508 S. 1st St, #220
Austin, TX 78704
Phone: 281.814.7928
Email: Jessicamarie1177@yahoo.com ✓



JESSICA MARIE MARTIN
3508 S. 1ST ST. #220
Austin, TX 78704



AUSTIN TX 787
RIO GRANDE DISTRICT
13 SEP 2014 PM 5 L

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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SEP 15 2014
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JR

78711308787



September 14, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

Handwritten: LWD
9/30/14

REVIEWED

SEP 16 2014

By *[Signature]*

Handwritten: BM

CHIEF CLERKS OFFICE

2014 SEP 16 AM 10:25

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: Notice of Application and Intent to Obtain Water Quality Permit Renewal for the LCRA Fayette Power Plant, Permit No. WQ0002105000

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Handwritten: BM

CAROLAN MENDEL

4225 Leslie Rd

Fayetteville Tx
RECEIVED

SEP 16 2014

TCEQ MAIL CENTER

JG

BRIDGET C BOHAC

Chief Clerk, MC-405

Texas Commission on Environmental Quality

P.O. Box 13087

Austin Tx 78711-3087



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2014 SEP 16 AM 10
CHIEF CLERKS OFFICE

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
September 14, 2014
Page 2

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Sincerely,



Printed Name: Don Mendel

Mailing Address:

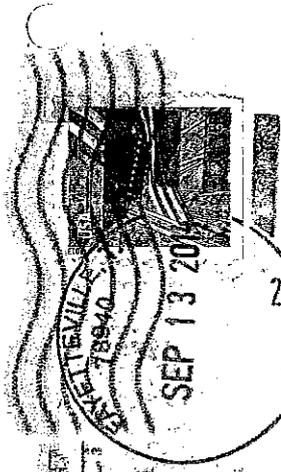
4225 Leslie Rd _____

Fayetteville Texas 78940 _____

Email: donmendel@gmail.com

DON MENDEL
4225 LESLIE RD
FRAYETTEVILLE TX
78940

AUSTIN TX 787
RIO GRANDE DISTRICT
15 SEP 2014 PM 5:1



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SEP 16 2014

TCEQ MAIL CENTER

BRIDGET BOHAC
Chief Clerk MC-103
Texas Comm on Enviro
P.O. Box 13087

2014 SEP 16 AM 10:24
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ON ENVIRONMENTAL
QUALITY

Austin Tx 78711-3087
78711308707

September 12, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

*LWD
DML
9/3/14*

REVIEWED
SEP 16 2014
By *[Signature]*

lm

CHIEF CLERK'S OFFICE

2014 SEP 16 AM 10:24

TEXAS
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ON ENVIRONMENTAL
QUALITY

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[Handwritten signature]

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
September 12, 2014
Page 2

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Sincerely,



Printed Name: DAVID MIRUS

Mailing Address:

207 W. MARKET ST.
FAYETTEVILLE, TX 78940

Phone: (281) 435-6836

Email: _____

DAVID MIKUS
207 W. MARKET
FAYETTEVILLE, TX 78940



AUSTIN TX 787
RIO GRANDE DISTRICT
15 SEP 2014 PM 5 L

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QUALITY

*Bridget C. Bohac
Chief Clerk, M.C. - 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Tx. 78711-3087*

78711308757



September _____, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
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Austin, Texas 78711-3087
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93275
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By *HP*

2014 SEP 15 PM 2:53
CHIEF CLERKS OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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HP

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
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Page 2

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Sincerely,

Helen E. Mikus
Printed Name: HELEN E. MIKUS
Mailing Address:
207 W. MARKET ST.
FAYETTEVILLE, TX. 78940
Phone: (979) ~~378-2742~~ 378-2742
Email: _____



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SEP 15 2014

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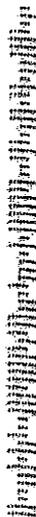
Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

2014 SEP 15 PM 2:53

CHIEF CLERK'S OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

78711308787



4

TCEQ Public Meeting Form
April 9, 2015

Lower Colorado River Authority
Water Quality TPDES Permit Renewal
Permit No. WQ0002105000

PLEASE PRINT

Name: JOHN W. MIKUS

Mailing Address: PO BOX 310

Physical Address (if different): 207 W. MARKET ST.

City/State: ~~HOUSTON~~ Fayetteville TX Zip: 78940

This information is subject to public disclosure under the Texas Public Information Act

Email: MIKUSJAW@YAHOO.COM ✓

Phone Number: 832 212 1600

• Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? TEXANS FOR RESPONSIBLE ENERGY & WATER

Please add me to the mailing list. ✓

I wish to provide formal ORAL COMMENTS at tonight's public meeting. ✓

I wish to provide formal WRITTEN COMMENTS at tonight's public meeting. ✓

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

mm



CALIBER ANALYTICAL SERVICES

Certificate of Analysis

A-Prime Water Well Service
6149 Baca Road
Fayetteville, Texas 78940

Date Sampled: 03/10/15 14:25
Date Received: 03/23/15 17:00
Date Issued: 04/08/15

Project: TREW
Site Location: Fayetteville, TX
Project Number: 2A

SDG Number: 15032310

Field Sample ID:	2-Baylor Creek	Matrix:	Water	Lab ID:	15032310-02		
	Result	Unit	LLQ	Method	Prepared	Analyzed	Init.
Sulfate by IC							
Sulfate	3.5	mg/L	1	EPA 300.0	03/24/15	03/24/15 16:40	SS
Total Metals							
Aluminum	9,700	ug/L	50	EPA 6020A	03/24/15	03/30/15 11:19	MEL
Antimony	ND	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Arsenic	6.9	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Barium	290	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Beryllium	ND	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Boron	40	ug/L	5	EPA 6020A	03/25/15	03/25/15 13:45	MEL
Cadmium	ND	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Calcium	250,000	ug/L	100	EPA 6020A	03/24/15	03/30/15 11:19	MEL
Chromium	8.5	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Cobalt	5.1	ug/L	5	EPA 6020A	03/24/15	03/30/15 11:19	MEL
Copper	8.8	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Iron	7,800	ug/L	100	EPA 6020A	03/24/15	03/30/15 11:19	MEL
Lead	11	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Magnesium	4,400	ug/L	100	EPA 6020A	03/24/15	03/30/15 11:19	MEL
Manganese	410	ug/L	5	EPA 6020A	03/24/15	03/30/15 11:19	MEL
Mercury	ND	ug/L	0.2	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Molybdenum	ND	ug/L	5	EPA 6020A	03/25/15	03/25/15 12:24	MEL
Nickel	8.3	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Potassium	6,000	ug/L	100	EPA 6020A	03/24/15	03/30/15 11:19	MEL
Selenium	ND	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Silver	ND	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Sodium	5,600	ug/L	100	EPA 6020A	03/24/15	03/30/15 11:19	MEL
Thallium	ND	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Vanadium	35	ug/L	5	EPA 6020A	03/24/15	03/30/15 11:19	MEL
Zinc	23	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL

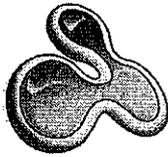
Notes/Qualifiers:

LLQ- Lowest Level of Quantitation

ND - Not Detected at a concentration greater than or equal to the LLQ.

Approved by:

QC Chemist



CALIBER ANALYTICAL SERVICES

Certificate of Analysis

A-Prime Water Well Service
6149 Baca Road
Fayetteville, Texas 78940

Date Sampled: 03/10/15 15:00
Date Received: 03/23/15 17:00
Date Issued: 04/08/15

Project: TREW
Site Location: Fayetteville, TX
Project Number: 2A

SDG Number: 15032310

Field Sample ID:	1-Cedar Creek	Matrix:	Water	Lab ID:	15032310-03			
	Result	Unit	LLQ	Method	Prepared	Analyzed	Init.	
Sulfate by IC								
Sulfate	11.1	mg/L	1	EPA 300.0	04/03/15	04/03/15 15:53	SS	
Total Metals								
Aluminum	2,700	ug/L	50	EPA 6020A	03/30/15	03/30/15 11:24	MEL	
Antimony	ND	ug/L	1	EPA 6020A	03/26/15	03/26/15 11:46	MEL	
Arsenic	4.3	ug/L	1	EPA 6020A	03/26/15	03/26/15 11:46	MEL	
Barium	100	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL	
Beryllium	ND	ug/L	1	EPA 6020A	03/26/15	03/26/15 11:46	MEL	
Boron	58	ug/L	5	EPA 6020A	03/25/15	03/25/15 13:49	MEL	
Cadmium	ND	ug/L	1	EPA 6020A	03/26/15	03/26/15 11:46	MEL	
Calcium	33,000	ug/L	100	EPA 6020A	03/30/15	03/30/15 11:24	MEL	
Chromium	ND	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL	
Cobalt	ND	ug/L	5	EPA 6020A	03/30/15	03/30/15 11:24	MEL	
Copper	12	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL	
Iron	3,600	ug/L	100	EPA 6020A	03/30/15	03/30/15 11:24	MEL	
Lead	9.4	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL	
Magnesium	2,800	ug/L	100	EPA 6020A	03/30/15	03/30/15 11:24	MEL	
Manganese	410	ug/L	5	EPA 6020A	03/30/15	03/30/15 11:24	MEL	
Mercury	ND	ug/L	0.2	EPA 6020A	03/26/15	03/26/15 11:46	MEL	
Molybdenum	ND	ug/L	5	EPA 6020A	03/25/15	03/25/15 12:28	MEL	
Nickel	ND	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL	
Potassium	4,500	ug/L	100	EPA 6020A	03/30/15	03/30/15 11:24	MEL	
Selenium	ND	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL	
Silver	ND	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL	
Sodium	8,600	ug/L	100	EPA 6020A	03/30/15	03/30/15 11:24	MEL	
Thallium	ND	ug/L	1	EPA 6020A	03/26/15	03/26/15 11:46	MEL	
Vanadium	14	ug/L	5	EPA 6020A	03/30/15	03/30/15 11:24	MEL	
Zinc	23	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL	

Notes/Qualifiers:

LLQ- Lowest Level of Quantitation

ND - Not Detected at a concentration greater than or equal to the LLQ.

Approved by:

QC Chemist

September 12, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

*DMJ
9/30/14*

REVIEWED
SEP 15 2014 PMA
By DMJ

CHIEF CLERKS OFFICE

2014 SEP 15 AM 10:42

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: Notice of Application and Intent to Obtain Water Quality Permit Renewal for the LCRA Fayette Power Plant, Permit No. WQ0002105000

Dear Chief Clerk:

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Moreover, according to LCRA's report, many of the groundwater monitoring wells are located within the shallow groundwater bearing Middle Sand Unit. LCRA acknowledges that the "Middle Sand is believed to be in communication with the Cedar Creek Reservoir," and that contaminated groundwater "could migrate beyond the boundaries of the [Fayette Power Plant] property." In short, pollution from the Fayette Plant's leaking coal ash dumps could potentially impact water quality in the Cedar Creek Reservoir and nearby residential drinking water wells.

Despite this imminent public health risk, the current draft Clean Water Act permit fails to set effluent limits for almost all of the toxic pollutants found in coal ash wastewaters, or address the seeps and leaks from the plant's coal ash disposal units. In addition:

The current Draft Permit does not set effluent limits for the numerous toxic pollutants that are regularly discharged in coal ash wastewaters. Under the Clean September _____, 2014

DMJ

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
September 12, 2014
Page 2

Water Act, Clean Water Act permits must include technology-based effluent limits for all discharged pollutants. Despite the fact that EPA has identified 27 pollutants found in coal ash wastewaters (including, aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, mercury, molybdenum, nickel, selenium, silver, sodium, thallium, tin, titanium, vanadium, yttrium, and zinc), the current permit for the Fayette Plant only imposes limits on one toxic pollutant—selenium. ***The revised Clean Water Act permit must impose effluent limits that eliminate or control toxic discharges as required by law.***

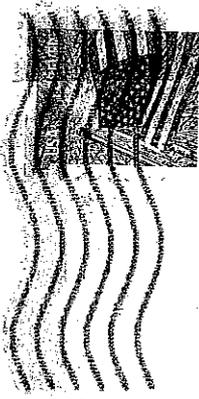
- **TCEQ must also require LCRA to clean up and prevent pollution from its leaking coal ash disposal units.** Discharges, including leaks and seeps, of leachate from the Plant's coal ash impoundments and landfills to surface waters and/or groundwater with a hydrogeological connection to surface water without a permit are prohibited by the Clean Water Act. LCRA itself has identified concentrations of pollutants like arsenic, selenium, molybdenum, and cobalt at levels that exceed federal and state groundwater standards, and acknowledged that this pollution is occurring in groundwater that communicates with the Cedar Creek Reservoir and could migrate offsite. ***The revised Clean Water Act permit must impose requirements to clean up and eliminate pollution leaks and seeps into hydrogeologically connected ground and surface waters.***

In sum, it does not appear that the existing permit, if renewed, would comply with the federal Clean Water Act ("CWA") or state law, including the Texas Water Code and the Texas Surface Water Quality Standards. We respectfully request that TCEQ hold a public meeting to provide an opportunity for the public to address these critical public health threats.

Thank you for considering these comments and my request for a public meeting.

Sincerely,


Printed Name: JOHN W. MIKUS
Mailing Address: 8118 NEFF ST
HOUSTON TX 77036
Phone: 832-212-1600
Email: mikuslaw@yahoo.com



AUSTIN TX 787
RIO GRANDE DISTRICT
13 SEP 2014 PM 2 L

RECEIVED

SEP 15 2014

TCEQ MAIL CENTER
JR

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 15 AM 10: 43

CHIEF CLERKS OFFICE

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087



78711308767

September 12, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

LCRA
93275

REVIEWED

SEP 16 2014

By [Signature]

fm

CHIEF CLERK OFFICE

2014 SEP 15 PM 2:57

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Notice of Application and Intent to Obtain Water Quality Permit Renewal for the LCRA Fayette Power Plant, Permit No. WQ0002105000

Dear Chief Clerk:

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Moreover, according to LCRA's report, many of the groundwater monitoring wells are located within the shallow groundwater bearing Middle Sand Unit. LCRA acknowledges that the "Middle Sand is believed to be in communication with the Cedar Creek Reservoir," and that contaminated groundwater "could migrate beyond the boundaries of the [Fayette Power Plant] property." In short, pollution from the Fayette Plant's leaking coal ash dumps could potentially impact water quality in the Cedar Creek Reservoir and nearby residential drinking water wells.

Despite this imminent public health risk, the current draft Clean Water Act permit fails to set effluent limits for almost all of the toxic pollutants found in coal ash wastewaters, or address the seeps and leaks from the plant's coal ash disposal units. In addition:

The current Draft Permit does not set effluent limits for the numerous toxic pollutants that are regularly discharged in coal ash wastewaters. Under the Clean September _____, 2014

[Handwritten signature]

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
September _____, 2014
Page 2

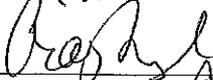
Water Act, Clean Water Act permits must include technology-based effluent limits for all discharged pollutants. Despite the fact that EPA has identified 27 pollutants found in coal ash wastewaters (including, aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, mercury, molybdenum, nickel, selenium, silver, sodium, thallium, tin, titanium, vanadium, yttrium, and zinc), the current permit for the Fayette Plant only imposes limits on one toxic pollutant—selenium. ***The revised Clean Water Act permit must impose effluent limits that eliminate or control toxic discharges as required by law.***

- **TCEQ must also require LCRA to clean up and prevent pollution from its leaking coal ash disposal units.** Discharges, including leaks and seeps, of leachate from the Plant's coal ash impoundments and landfills to surface waters and/or groundwater with a hydrogeological connection to surface water without a permit are prohibited by the Clean Water Act. LCRA itself has identified concentrations of pollutants like arsenic, selenium, molybdenum, and cobalt at levels that exceed federal and state groundwater standards, and acknowledged that this pollution is occurring in groundwater that communicates with the Cedar Creek Reservoir and could migrate offsite. ***The revised Clean Water Act permit must impose requirements to clean up and eliminate pollution leaks and seeps into hydrogeologically connected ground and surface waters.***

In sum, it does not appear that the existing permit, if renewed, would comply with the federal Clean Water Act ("CWA") or state law, including the Texas Water Code and the Texas Surface Water Quality Standards. We respectfully request that TCEQ hold a public meeting to provide an opportunity for the public to address these critical public health threats.

Thank you for considering these comments and my request for a public meeting.

Sincerely,



Printed Name: Craig S Mikush

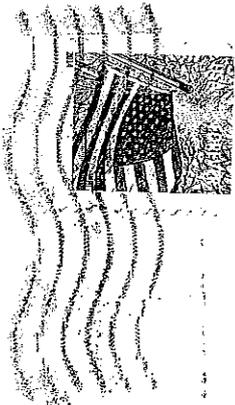
Mailing Address:

smikush@comcast.net

22802 Miramax Crest Dr. Tomball 77375

Phone: 832-434-1205

Email: smikush@comcast.net ✓



NORTH HOUSTON TX 77060

13 SEP 2014 PM 11

RECEIVED

SEP 15 2014

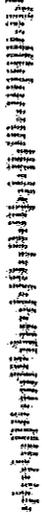
TCEQ MAIL ROOM
DC

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 15 PM 10:57

CHIEF CLERK'S OFFICE

MC-105
Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087



78711308787

September 12, 2014

REVIEWED

SEP 16 2014

By bf

Handwritten: LWD / 93275

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

CHIEF CLERK OFFICE

2014 SEP 15 PM 2:56

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: Notice of Application and Intent to Obtain Water Quality Permit Renewal for the LCRA Fayette Power Plant, Permit No. WQ0002105000

Dear Chief Clerk:

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The current Draft Permit does not set effluent limits for the numerous toxic pollutants that are regularly discharged in coal ash wastewaters. Under the Clean September _____, 2014

Handwritten: R M W

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
September 12, 2014
Page 2

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Thank you for considering these comments and my request for a public meeting.

Sincerely,



Printed Name: Sandra Mikush

Mailing Address:

2202 Miramar Crest Dr.

ombull, TX 77375

Phone: 832.434.1204

Email: smikush@mcastonet ✓



NORTH HULLINGTON TX 78040

13 SEP 2014 PM 11

RECORDED

SEP 15 2014

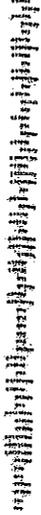
TCEQ LC

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 15 PM 2

CHIEF CLERKS OFFICE

Bridget C. Bohac, Chief Clerk, MC005
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087



78711308787

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, September 15, 2014 4:22 PM
To: PUBCOMMENT-OCC2
Subject: LCRA Fayette Power Plant, Permit No. WQ0002105000

LWD
93275

PM

From: CHIEFCLK
Sent: Monday, September 15, 2014 4:22 PM
To: PUBCOMMENT-OCC
Subject: FW: Public meeting



From: Carolyn Moon [mailto:carolynmoon@juno.com]
Sent: Monday, September 15, 2014 4:21 PM
To: CHIEFCLK
Subject: Public meeting

I request a public meeting to discuss the Fayette Coal Plant's effects on the Colorado River and thereby the water supply of Corpus Christi.

Carolyn Moon
4902 Calvin
Corpus Christi, TX 78411
361-815-4471

MW

September 11, 2014

REVIEWED

SEP 17 2014

By HR

PM

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

Steve
Dunn
93275

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2014 SEP 17 AM 9:32
CHIEF CLERK'S OFFICE

RE: Notice of Application and Intent to Obtain Water Quality Permit Renewal for the LCRA Fayette Power Plant, Permit No. WQ0002105000

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Handwritten signature/initials

Water Act, Clean Water Act permits must include technology-based effluent limits for all discharged pollutants. Despite the fact that EPA has identified 27 pollutants found in coal ash wastewaters (including, aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, mercury, molybdenum, nickel, selenium, silver, sodium, thallium, tin, titanium, vanadium, yttrium, and zinc), the current permit for the Fayette Plant only imposes limits on one toxic pollutant—selenium. *The revised Clean Water Act permit must impose effluent limits that eliminate or control toxic discharges as required by law.*

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Thank you for considering these comments and my request for a public meeting.

Sincerely,

David Papano ✓
David Papano ✓

*4325 Leslie
FAYETTEVILLE*

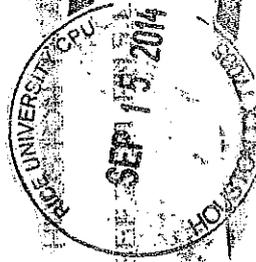


TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 17 AM 9:32



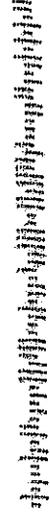
CHIEF-CLERKS OFFICE



Office of the Chief Clerk, MC 105
TCEQ
PO Box 13087
Austin, TX 78711-3087

P
Mr. Daniel Pagnano
1411B Harold St
Houston, TX 77006

RECEIVED
SEP 17 2014
TCEQ MAIL CENTER
JR



78711308767

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, September 15, 2014 9:25 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0002105000
Attachments: Hearing Request.pdf

*LWD
93275*

PM

From: dpagnano@sbcglobal.net [mailto:dpagnano@sbcglobal.net]
Sent: Sunday, September 14, 2014 9:42 PM
To: donotreply
Subject: Public comment on Permit Number WQ0002105000

REGULATED ENTY NAME LCRA SAM SEYMOUR FAYETTE POWER PROJECT

RN NUMBER: RN100226844

PERMIT NUMBER: WQ0002105000

DOCKET NUMBER:

COUNTY: FAYETTE

PRINCIPAL NAME: LOWER COLORADO RIVER AUTHORITY

CN NUMBER: CN600253637

FROM

NAME: Daniel James Pagnano

E-MAIL: dpagnano@sbcglobal.net

COMPANY:

ADDRESS: 1411B HAROLD ST
HOUSTON TX 77006-3729

PHONE: 7138246048

FAX:

COMMENTS: Property owner: 4325 Leslie, Fayetteville, TX

MW

September 11, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

RE: *Notice of Application and Intent to Obtain Water Quality Permit Renewal for the LCRA Fayette Power Plant, Permit No. WQ0002105000*

Dear Chief Clerk:

We are writing to request a public meeting to discuss the Lower Colorado River Authority's ("LCRA") application and intent to obtain a water quality permit for the Fayette Power Plant. Each day across the United States, coal-burning power plants like the LCRA Fayette Power Plant dump millions of gallons of wastewater loaded with toxic pollutants like arsenic, boron, cadmium, chromium, lead, mercury, and selenium into our rivers, lakes, and streams. This toxic soup can be harmful to humans and aquatic life in even small doses. This pollution is discharged directly from plants and waste pits; flows from old, unlined surface impoundments that many plants use to store toxic slurries of coal ash and smokestack scrubber sludge; and seeps from unlined ponds and landfills into ground and surface waters.

LCRA's own 2010 annual groundwater monitoring report shows that groundwater near the coal ash ponds and a landfill at the Fayette Plant contains levels of arsenic, selenium, cobalt, and molybdenum exceeding Texas Protective Contamination Levels (PCLs) and federal Maximum Contaminant Levels (MCLs). Selenium levels have reached more than 4 times the PCL and MCL, cobalt levels have reached more than 3 times the PCL, and molybdenum has exceeded the federal Life-time Health Advisory by nearly 4 times and exceeded the PCL in water down-gradient or cross-gradient of ash disposal areas. Aluminum, chloride, manganese, sulfate and total dissolved solids exceed federal secondary MCLs.

Moreover, according to LCRA's report, many of the groundwater monitoring wells are located within the shallow groundwater bearing Middle Sand Unit. LCRA acknowledges that the "Middle Sand is believed to be in communication with the Cedar Creek Reservoir," and that contaminated groundwater "could migrate beyond the boundaries of the [Fayette Power Plant] property." In short, pollution from the Fayette Plant's leaking coal ash dumps could potentially impact water quality in the Cedar Creek Reservoir and nearby residential drinking water wells.

Despite this imminent public health risk, the current draft Clean Water Act permit fails to set effluent limits for almost all of the toxic pollutants found in coal ash wastewaters, or address the seeps and leaks from the plant's coal ash disposal units. In addition:

- **The current Draft Permit does not set effluent limits for the numerous toxic pollutants that are regularly discharged in coal ash wastewaters. Under the Clean**

Water Act, Clean Water Act permits must include technology-based effluent limits for all discharged pollutants. Despite the fact that EPA has identified 27 pollutants found in coal ash wastewaters (including, aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, mercury, molybdenum, nickel, selenium, silver, sodium, thallium, tin, titanium, vanadium, yttrium, and zinc), the current permit for the Fayette Plant only imposes limits on one toxic pollutant—selenium. *The revised Clean Water Act permit must impose effluent limits that eliminate or control toxic discharges as required by law.*

- **TCEQ must also require LCRA to clean up and prevent pollution from its leaking coal ash disposal units.** Discharges, including leaks and seeps, of leachate from the Plant's coal ash impoundments and landfills to surface waters and/or groundwater with a hydrogeological connection to surface water without a permit are prohibited by the Clean Water Act. LCRA itself has identified concentrations of pollutants like arsenic, selenium, molybdenum, and cobalt at levels that exceed federal and state groundwater standards, and acknowledged that this pollution is occurring in groundwater that communicates with the Cedar Creek Reservoir and could migrate offsite. *The revised Clean Water Act permit must impose requirements to clean up and eliminate pollution leaks and seeps into hydrogeologically connected ground and surface waters.*

In sum, it does not appear that the existing permit, if renewed, would comply with the federal Clean Water Act ("CWA") or state law, including the Texas Water Code and the Texas Surface Water Quality Standards. We respectfully request that TCEQ hold a public meeting to provide an opportunity for the public to address these critical public health threats.

Thank you for considering these comments and my request for a public meeting.

Sincerely,

Margellonin?
Don J. Pymano
4325 Kestie
FAYETTEVILLE

2

TCEQ Public Meeting Form
April 9, 2015

Lower Colorado River Authority
Water Quality TPDES Permit Renewal
Permit No. WQ0002105000

PLEASE PRINT

Name: Allison Skiva

Mailing Address: 42 Valkalla Dr. Bay City, TX 77414

Physical Address (if different): _____

City/State: Bay City TX Zip: 77414

This information is subject to public disclosure under the Texas Public Information Act

Email: skiva@SBCGlobal.net

Phone Number: 979-245-0808

• Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? _____

Please add me to the mailing list. ✓

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting. ✓

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

mcw

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, September 15, 2014 9:24 AM
To: PUBCOMMENT-OCC2
Subject: FW: request for a public meeting

*1WD
93273*

PM

From: CHIEFCLK
Sent: Monday, September 15, 2014 8:18 AM
To: PUBCOMMENT-OCC
Subject: FW: request for a public meeting

From: allison sliva [mailto:slivaa@sbcglobal.net]
Sent: Sunday, September 14, 2014 6:39 PM
To: CHIEFCLK
Subject: request for a public meeting

Dear Chief Clerk,

I am requesting a public meeting to discuss the LCRA's application and intent to obtain a water quality permit for the Fayette Power Plant. I live downstream from the plant, and am very concerned about the impact of the plant on area waters.

Thanks,

Allison Sliva
42 Valhalla Dr.
Bay City, TX 77414

MSW

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Friday, April 10, 2015 8:20 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0002105000
Attachments: CORRECTED Sierra Club Comments Re Fayette TPDES Permit WQ0002105000 with Exhibits.pdf

From: joshua.smith@sierraclub.org [<mailto:joshua.smith@sierraclub.org>]
Sent: Thursday, April 09, 2015 7:27 PM
To: DoNot Reply
Subject: Public comment on Permit Number WQ0002105000

*IWD
93275*

REGULATED ENTY NAME LCRA SAM SEYMOUR FAYETTE POWER PROJECT

RN NUMBER: RN100226844

PERMIT NUMBER: WQ0002105000

DOCKET NUMBER:

COUNTY: FAYETTE

PRINCIPAL NAME: LOWER COLORADO RIVER AUTHORITY

CN NUMBER: CN600253637

FROM

NAME: Joshua Smith

E-MAIL: joshua.smith@sierraclub.org

COMPANY: Sierra Club

ADDRESS: 85 2ND ST Second Floor
SAN FRANCISCO CA 94105-3459

PHONE: 4159775560

FAX: 4159775793

COMMENTS: On behalf of the Sierra Club, please accepted the attached CORRECTED Comments on Notice of Application and Preliminary Decision for TPDES Permit No. WQ0002105000 for the Discharge of Pollutants into the Nueces River Basin from the Sam Seymour Electric Station (Fayette Power Plant). The attached document was corrected to address three typos on pages 1, 2, AND 11.

mw



April 9, 2015

Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www14.tceq.texas.gov/epic/eComment/>

Via Electronic Filing

Re: Comments on Notice of Application and Preliminary Decision for TPDES Permit No. WQ0002105000 for the Discharge of Pollutants into the Colorado River Basin from the Sam Seymour Electric Station (Fayette Power Plant)

On February 27, 2015, the Texas Commission on Environmental Quality ("TCEQ") issued a Notice of Application and Preliminary Decision to renew Permit No. WQ0002105000, which would authorize the Sam Seymour Electric Station (Fayette Power Plant) to discharge numerous waste streams to Cedar Creek and the Colorado River Basin. Sierra Club offers the following comments regarding the Application and Draft Permit.

Sierra Club's interests in the permit and proceeding are clearly germane to the organization's purposes. 30 TEX. ADMIN CODE §55.205 (a)(2). Founded in 1892 by John Muir, Sierra Club is the Nation's oldest and largest grassroots environmental organization, with more than 625,000 members nationwide and nearly 23,000 members in Texas dedicated to exploring, enjoying, and protecting the wild places and resources of the earth; practicing and promoting the responsible use of the earth's ecosystems and resources; educating and enlisting humanity to protect and restore the quality of the natural and human environment; and using all lawful means to carry out these objectives. To further those goals, Sierra Club and its members have a significant interest in ensuring that any wastewater permit issued to the Fayette power plant ensures protection of fish, wildlife, and ecosystems of Cedar Creek and the Colorado River Basin, as well as the health of Sierra Club's members who use and enjoy those waters. Sierra Club has a significant interest in ensuring that the Fayette Power Plant's Texas Pollution Discharge Elimination System ("TPDES") permit complies with all applicable statutory and regulatory requirements, which are created to protect human health and the environment.

In addition to comments set forth below, we reserve the right to rely on all public comments submitted relating to this Draft Permit and Application, including Sierra Club's September 15, 2014 comments, which we incorporate by reference. Additionally, we reserve the right to request a contested case hearing or reconsideration of any decision of the Executive Director. If the permit is amended or altered in response to comments, we request an opportunity to review and comment on any amended permit.

Introduction

Each day across the United States, coal-fired power plants like the Fayette Power Plant discharge millions of gallons of industrial wastewater contaminated with toxic pollutants like arsenic, boron, cadmium, chromium, lead, mercury, copper, nickel, and selenium into the rivers, lakes, and streams of the United States. This pollution is discharged directly from plants; flows from old, unlined surface impoundments that many plants use to store toxic slurries of coal ash and sludge; and seeps from unlined ponds and landfills into ground and surface waters. The U.S. Environmental Protection Agency (“EPA”) estimates that at least 5.5 billion pounds of pollution are released into the environment by coal-fired power plants every year.¹ These power plants are responsible for at least 50 to 60 percent of the toxic pollutants discharged in waters of the United States—more than the next nine top polluting industries combined.²

Coal plant water pollution has serious public health consequences and causes lasting harm. Coal combustion waste (*i.e.* coal ash) wastewaters contain a slew of toxic pollutants that can be harmful to humans and aquatic life in even small doses. Due to the bio-accumulative nature of many of these toxins, this pollution persists in the environment and poses a risk to public health, and even short-term exposure can result in long-term damage to aquatic ecosystems. According to EPA, power plant pollution has caused over 160 water bodies not to meet state water quality standards, prompted government agencies to issue fish consumption advisories for 185 waters, and degraded 399 water bodies across the country that serve as public drinking water supplies.³ EPA has concluded that coal combustion wastes, such as the fly and bottom ash wastewater, which the Fayette Power Plant discharges to the Colorado River Basin are likely to contain numerous highly toxic and bioaccumulative pollutants, such as arsenic, boron, cadmium, chromium, lead, mercury, copper, nickel, and selenium. Moreover, these pollutants are often not fully removed using sedimentation or settling methods employed at the Fayette Power Plant.

In June 2013, EPA identified the coal ash disposal units at the Fayette Power Plant as a “potential damage case,”⁴ which means that an exceedance of a primary MCL or health based standards has been documented “directly beneath or in very close proximity” to a coal ash dump.⁵ Groundwater near the coal ash ponds and a landfill at the Fayette Plant contains levels of arsenic, selenium, cobalt, and molybdenum exceeding Texas Protective Contamination Levels

¹ U.S. EPA, Environmental Assessment of the Proposed Effluent Limitation Guidelines and Standards for the Steam Electric Power Generating Point Source Category 3-14, Docket No. EPA-HQ-OW-2009-0819-2260 (Apr. 2013).

² *Id.* at 3-13.

³ <http://water.epa.gov/scitech/wastetech/guide/steam-electric/proposed.cfm>.

⁴ EPA, Final Determination of Identified Proven Damage and Recently Alleged Damage Cases, [DCN SE01966], Docket No. EPA-HQ-OW-2009-0819-2212.

⁵ *Id.*

(PCLs) and federal Maximum Contaminant Levels (MCLs).⁶ Selenium levels have reached more than 4 times the PCL and MCL, cobalt levels have reached more than 3 times the PCL, and molybdenum has exceeded the federal Life-time Health Advisory by nearly 4 times and exceeded the PCL in water downgradient or crossgradient of ash disposal areas.⁷ Aluminum, chloride, manganese, sulfate and total dissolved solids exceed federal secondary MCLs.⁸ Many of these exceedences have been detected in groundwater in the Middle Sand Unit, which LCRA acknowledges to be in communication with the Cedar Creek Reservoir,” and that contaminated groundwater “could migrate beyond the boundaries of the [Fayette Power Plant] property.”⁹ In short, pollution discharged via outfalls and from the Fayette Plant’s leaking coal ash dumps could potentially impact water quality in the Cedar Creek Reservoir, Cedar Creek, and other downstream waters, as well as nearby residential drinking water wells.¹⁰

Even more troubling, LCRA has detected seeps at its coal ash landfill that are directly discharging into Cedar Creek.¹¹ Yet, LCRA’s application and the draft permit fail to address (or even mention) those discharges. As a result, the Fayette Power Plant TPDES renewal application and draft permit fail to comply with the federal Clean Water Act (“CWA”). TCEQ must, at a minimum, amend the permit to address this unpermitted discharge and ensure that LCRA adopts safeguards to protect against routine and dangerous seeps from the Fayette Power Plant ash landfill to Cedar Creek.

Moreover, as discussed in detail below, in March 2015, Baylor Creek, which runs west of the Fayette Power Plant, experienced a significant pollution event that caused the entire creek to turn a creamy buttermilk-like color. Water samples conducted by Sierra Club members and volunteers confirmed extremely high levels of aluminum, arsenic, sulfate, calcium, iron, copper, and lead.¹² Although these pollutants are often associated with coal ash waste, the Fayette TPDES permit does not specifically permit any discharge to Baylor Creek. Instead, the power plant’s discharges to Baylor Creek appear to be governed by TCEQ’s Multi Sector General Permit. As discussed below, however, TCEQ must inspect this potential discharge and ensure that the Fayette Power Plant is utilizing best management practices to protect water quality in Baylor Creek and the Colorado River Basin. Given the scope and nature of the March 2015 exceedence in Baylor Creek, TCEQ should require LCRA to amend its individual TPDES permit application if the agency concludes that the Fayette stormwater discharges to Baylor Creek are causing or contributing to violations of water quality standards.

⁶ Annual Groundwater Monitoring Report: 2009 Data Summary submitted by Lower Colorado River Authority to the Texas Commission on Environmental Quality (May 2010).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 3.

¹⁰ *Id.*

¹¹ TCEQ, Investigation Report, Lower Colorado River Authority, CN600253637, Investigation No. 995057

¹² See Ex. 1 (Apr. 2, 2015 Caliber Analytical Servs. Certificate of Analysis)

Sierra Club has several additional serious concerns with the Lower Colorado River Authority's ("LCRA") Application and the draft permit, including:

1. The Draft Permit fails to include technology-based effluent limitations for numerous pollutants present in the Fayette power plant's coal combustion waste and impoundment waters.
2. In 2011, LCRA installed flue gas desulfurization ("FGD") equipment for the control of sulfur dioxide ("SO₂"). The operation of this equipment may affect the nature of the facility's wastewater discharges. Indeed, the March 2015 water quality samples taken from Baylor Creek show extremely high levels of calcium, arsenic, chromium, copper, lead, iron, magnesium, zinc, and vanadium, all of which are common byproduct of FGD operations.¹³ Yet the facility has submitted no analytical data concerning the impact of additional FGD wastewater, nor has TCEQ undertaken an independent assessment of whether increased operation of the FGD system will result in degradation of the receiving waters or require additional effluent limits or monitoring.
3. On a related note, TCEQ should include monitoring requirements for bromide. While not directly toxic, bromide discharges from FGD waste have been associated with the formation of dangerous disinfection byproducts in downstream public drinking water systems.
4. For the Fayette cooling water intake structure, the Draft Permit fails to comply with the requirements of Clean Water Act §316(b), which requires that cooling water intake structures reflect the best technology available for minimizing adverse environmental impacts.
5. TCEQ has not properly considered the full impact of the permitted activity on the endangered Houston Toad because it does not know the total mass of lead discharged on a monthly basis, and has not evaluated the impacts of other toxic, bioaccumulative pollutants contained in the coal combustion wastewater discharged to the Colorado River Basin.

¹³ EPA, Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities at 27, EPA Docket No. EPA-HQ-RCRA-2009-0640 (Dec. 19, 2014) (Prepublication Copy) (to be codified at 40 C.F.R. Parts 257 and 261), *available at* http://www2.epa.gov/sites/production/files/2014-12/documents/ccr_finalrule_prepub.pdf [hereinafter "CCR Rule"] (noting that the "constituents of most environmental concern in [coal combustion residual material] are metals, such as antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, nickel, selenium, silver and thallium); *see also* EPA, Air Pollution Control Technology Fact Sheet, Flue Gas Desulfurization (FGD) – Wet, Spray Dry, and Dry Scrubbers, EPA-452/F-03-034, *available at* <http://www.epa.gov/ttnecat1/dir1/ffdg.pdf>; Higgins et al., Flue Gas Desulfurization Wastewater Treatment Primer at 4 ((Mar. 1, 2009), *available at* <http://www.epa.gov/region1/npdes/merrimackstation/pdfs/ar/AR-119.pdf>

Before issuing a final permit, TCEQ must address each of these errors in the Draft Permit, discussed in detail below, to ensure that the final permit complies with the Clean Water Act and the Texas Water Code, and is sufficiently protective of human health and the environment.

I. The Permit Does Not Adequately Address All Discharges Associated with the Coal Ash Landfill and Impoundments.

TCEQ must assess whether the Fayette Power Plant is discharging pollution from its coal combustion waste landfill and impoundments without a permit. According to the Application, LCRA claims that it does not discharge wastewater from its three wet limestone flue gas desulfurization (“FGD”) controls and fly and bottom ash handling systems.¹⁴ With respect to the FGD controls, LCRA operates a dewatering system that separates wastewater and solids from the spent limestone slurry.¹⁵ Solids are either sold or disposed of at the on-site coal combustion waste landfill, while the wastewater is sent to Reclaim Pond and other holding tanks so that it may be recycled in the FGD system.¹⁶ Although the current permit prohibits “direct” discharge of wastewater from the Reclaim Pond to waters of the State, the permit authorizes discharges from the Reclaim Pond to the Coal Pile Runoff Pond, which discharges via Outfall 003 to a tributary of Cedar Creek or Outfall 301 to the Cedar Creek Reservoir.¹⁷ Thus, LCRA may ultimately discharge FGD wastewaters to waters of the State via the Coal Pile Runoff Pond.

Similarly, the permit prohibits discharges of fly and bottom ash transport water to waters of the State.¹⁸ Yet LCRA is authorized to transfer bottom and fly ash transport water from the closed Ash Pond to the Reclaim Pond and Coal Pile Runoff Pond, which discharges to a tributary of Cedar Creek or the Cedar Creek Reservoir.¹⁹ LCRA is also permitted to discharge leachate from the coal combustion waste landfill, which collects in the Combustion Byproducts Landfill Pond, from Outfall 004 to a tributary of Cedar Creek or to the Reclaim Pond and Coal Pile Runoff Pond, which discharges to a tributary of Cedar Creek or the Cedar Creek Reservoir.²⁰ TCEQ must assess these discharges and establish best available technology limits for the discharge of FGD and coal ash waste water to protect the receiving waters.

In addition to the coal combustion waste leachate and wastewaters discharged from the Coal Pile Runoff Pond and Combustion Byproducts Landfill Pond to tributaries of Cedar Creek and the Cedar Creek Reservoir, it is clear that the coal ash disposal units are leaking into

¹⁴ Application, Attachment FPP-TECH 1:WW Generation.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Draft Permit at 17.

¹⁸ *Id.* at 15.

¹⁹ *Id.* at 17.

²⁰ *Id.*

groundwater that has a direct connection to Cedar Creek Reservoir.²¹ Indeed, LCRA has acknowledged seeps at its coal ash landfill that are directly discharging into Cedar Creek.²² Yet LCRA's application and the draft permit fail to address (or even mention) those discharges. That LCRA has developed a remediation plan under RCRA does not relieve TCEQ or LCRA of the obligation to comply with Clean Water Act's prohibition against unpermitted discharges. TCEQ must, at a minimum, amend the permit to address these discharges and ensure that LCRA adopts safeguards to protect against routine and dangerous seeps from the Fayette Power Plant ash landfill to Cedar Creek.

Further, the Draft Permit fails to examine whether there are additional unpermitted discharges from the coal ash impoundments at Fayette. According to the Application, none of the LCRA waste disposal units are lined with a protective composite liner.²³ As noted, EPA identified the Fayette Power Plant as a "potential damage case" in 2013 because concentrations of toxic pollutants in groundwater monitoring wells exceed federal drinking water standards.²⁴ LCRA's own monitoring data reveal exceedances of federal and state health based drinking water standards for arsenic, selenium, cobalt, and molybdenum.²⁵ That monitoring data makes clear that LCRA is discharging leachate from leaking coal combustion waste disposal units into groundwater that has a direct connection to drinking water resources. It is possible, even likely, that the Fayette landfill is discharging to ground and surface waters at locations in addition to the identified seep.

Discharges of leachate from the coal ash impoundments to surface waters and/or groundwater with a hydrogeological connection to surface water without a permit are prohibited by the Clean Water Act.²⁶ Discharges to groundwater with a direct hydrogeological connection

²¹ See, e.g., Annual Groundwater Monitoring Report: 2009 Data Summary submitted by Lower Colorado River Authority to the Texas Commission on Environmental Quality (May 2010).

²² *Id.*; see also Letter from Beckie Loeve, Env'tl. Supervisor, LCRA-Fayette Power Project, to April Hoh, Water Quality Assessment Team, Texas Council on Environmental Quality (May 7, 2010) (Ex. 2); TCEQ, Investigation Report, CN600253637, Investigation No. 995057 at p.2-3 (Apr. 12, 2012) (noting seep from coal ash pond to Cedar Creek) (Ex. 3); LCRA, 2010 Affected Property Assessment Report (APAR) for the Fayette Power Project, Attachment 1 at 7 (Sept. 17, 2010) (confirming groundwater seepage into Cedar Creek) (Ex. 4).

²³ Permit, Attachment FPP-TECH 4: Pond Liner Information.

²⁴ EPA, Final Determination of Identified Proven Damage and Recently Alleged Damage Cases, [DCN SE01966], Docket No. EPA-HQ-OW-2009-0819-2212.

²⁵ See, e.g., Annual Groundwater Monitoring Report: 2009 Data Summary submitted by Lower Colorado River Authority to the Texas Commission on Environmental Quality (May 2010).

²⁶ See, e.g., *Hernandez v. Esso Standard Oil Co.*, 599 F.Supp.2d 175, 181 (D. Puerto Rico 2009) (reviewing federal case law and holding "that the CWA extends federal jurisdiction over groundwater that is hydrologically connected to surface waters that are themselves waters of the United States"); see also U.S. Env'tl. Prot. Agency, Office of Wastewater Mgmt., National Pollutant Discharge Elimination System Permitting of Wastewater Discharges from Flue Gas Desulfurization and Coal Combustion Residuals Impoundments at Steam Electric Power Plants, Att. B at 2 (2010) ("Permitting authorities should examine the need for [NPDES permit requirements such as lined impoundments and seepage

to “waters of the U.S.” fall within the scope of the Clean Water Act.²⁷ All unpermitted discharges from a point source to these waters are violations of the CWA. Leaks in a pollution containment system, like coal combustion waste landfills and impoundments, are point sources.²⁸ Thus, discharges of toxic pollution from leaks in coal combustion waste landfills and impoundments are prohibited without an NPDES permit.²⁹

TCEQ should require LCRA to install a protective composite liner and additional safeguards to prevent the continued discharge of coal combustion waste into Cedar Creek. Any unpermitted discharges from these ponds would be illegal and TCEQ must require the applicant to submit groundwater and lake water monitoring data to ensure that such discharges are not occurring. TCEQ should further require a period of wet effluent toxicity testing using water samples taken from various locations around the perimeter of the coal ash ponds.

Recent EPA guidance has made clear that coal ash combustion impoundments are within the scope of NPDES permits for electric generating facilities and must be addressed by the permitting authority: “Seepage discharges to surface water through a shallow ground water hydrologic connection have been controlled in a number of cases through NPDES permit requirements to either use lined impoundments to prevent seepage or to install seepage interception systems. Permitting authorities should examine the need for these types of requirements for hydrologically connected discharges that cannot be regulated through traditional NPDES outfalls.”³⁰

interception systems] for hydrologically connected discharges that cannot be regulated through traditional NPDES outfalls”); U.S. Env’tl. Prot. Agency, Office of Wastewater Mgmt., EPA-833-K-10-001, NPDES Permit Writer’s Manual (2010) (“If a discharge of pollutants to ground water reaches waters of the United States . . . it could be a discharge to the surface water (albeit indirectly via a direct hydrological connection, *i.e.* the ground water) that needs an NPDES permit”); U.S. EPA, Notice of Final NPDES General Permit for Egg Production Operations in New Mexico and Oklahoma NMG800000 and OKG800000, 67 Fed. Reg. 47,362-63 (July 18, 2002) (“The permit prohibits the discharge of process wastewater pollutants from retention or control structures to groundwater that has a direct hydrologic connection to Waters of the United States”).

²⁷ *Id.*

²⁸ 33 U.S.C. § 1362(14) (defining “point source” broadly and specifically including “container” in the definition); *see, e.g., United States v. Earth Sciences, Inc.*, 599 F.2d 368 (10th Cir. 1979) (noting that “[w]hen a [closed circulating system] fails because of flaws in the construction or inadequate size to handle the fluids utilized, with resulting discharge, whether from a fissure in the dirt berm or overflow of a wall, the escape of liquid from the confined system is a point source”).

²⁹ In fact, discharges that result from leaks and other failures of a pollution containment system should never be authorized by an NPDES permit because BAT is to contain the pollution. *See* 33 U.S.C. §§ 1311(b)(1), 1311(b)(2)(A), and 1314(b) (mandating that permitting agencies set technology-based effluent limits for all discharges).

³⁰ Memorandum from James A. Hanlon, Director, Office of Wastewater Management, on National Pollution Discharge Elimination System (NPDES) Permitting of Wastewater Discharges from Flue Gas Desulfurization (FGD) and Coal Combustion Residuals (CCR) Impoundments at Steam Electric Power Plants, Appendix B at 2 (June 7, 2010), *available at* <http://www.epa.gov/region1/npdes/merrimackstation/pdfs/ar/AR-44.pdf>.

II. TCEQ Must Investigate and Address Potential Unpermitted Discharges to Baylor Creek

On March 10, 2015, Sierra Club members and volunteers identified a potentially significant pollution event in Baylor Creek, which runs west of the Fayette Power Plant. As demonstrated in the photograph attached to these comments, the pollution event caused the entire creek to turn a creamy buttermilk-like color.³¹ March 20, 2015 water quality samples confirmed extremely high levels of aluminum, arsenic, sulfate, calcium, iron, copper, and lead.³² Although the exact cause of the Baylor Creek pollution event is unknown, these pollutants are often associated with flue gas desulfurization (“FGD”) and coal ash waste.³³ The FGD or SO₂ scrubbing process typically uses a calcium or sodium alkaline-based reagent that is injected into the flue gas. The SO₂ is absorbed, neutralized, and or oxidized by the alkaline reagent into a solid compound, either calcium or sodium sulfate.³⁴ Coincidentally, satellite images show what appears to be a coal ash loading or drainage directly to the northwest of the plant, and adjacent to Baylor Creek.³⁵ If so, it is not surprising that heavy rainfall would result in a discharge of such materials to Baylor Creek.

The Fayette TPDES permit, however, does not contemplate or allow any discharge to Baylor Creek. All of the outfalls from the Fayette Power Plant are to Cedar Creek. Thus, any discharge of pollutants from the Fayette Power Plant to Baylor Creek are not within the scope of the draft permit. The power plant’s discharges to Baylor Creek instead appear to be governed by TCEQ’s Multi Sector General Permit.³⁶

That general permit, however, does not allow “[d]ischarges that would cause or contribute to a violation of water quality standards, or that would fail to protect and maintain existing designated uses of receiving waters.”³⁷ Moreover, any permittee under the general permit “shall take all reasonable steps to minimize or prevent any discharge or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment,” including the implementation of “all pollution prevention practices . . . necessary

³¹ Ex. 5 (Mar. 10, 2015 photograph at Texas HWY 71 and Baylor Creek).

³² Ex. 1 (Mar. 20, 2015 water quality sample report).

³³ EPA, Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities at 27, EPA Docket No. EPA-HQ-RCRA-2009-0640 (Dec. 19, 2014) (Prepublication Copy) (to be codified at 40 C.F.R. Parts 257 and 261), *available at* http://www2.epa.gov/sites/production/files/2014-12/documents/ccr_finalrule_prepub.pdf [hereinafter “CCR Rule”] (noting that the “constituents of most environmental concern in [coal combustion residual material] are metals, such as antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, nickel, selenium, silver and thallium); *see also* EPA, Air Pollution Control Technology Fact Sheet, Flue Gas Desulfurization (FGD) – Wet, Spray Dry, and Dry Scrubbers, EPA-452/F-03-034, *available at* <http://www.epa.gov/ttnecat1/dir1/ffdg.pdf>; Higgins et al., Flue Gas Desulfurization Wastewater Treatment Primer at 4 (Mar. 1, 2009), *available at* <http://www.epa.gov/region1/npdes/merrimackstation/pdfs/ar/AR-119.pdf>

³⁴ *Id.*

³⁵ Ex. 6 (Google Earth image of Fayette Power Plant).

³⁶ TCEQ, Multi Sector General Permit, TPDES General Permit No. TXR050000; Draft Permit at 8.

³⁷ General Permit § II.B.6.

to protect the water quality in receiving waters.”³⁸ In light of the extremely high quantities of arsenic, heavy metals, and other pollutants detected in Baylor Creek, TCEQ should exercise its authority to require LCRA to apply for an individual permit for those discharges, and should require best available technology to prevent further discharges to Baylor Creek.³⁹ At a minimum, TCEQ must inspect and assess the Fayette Power Plant’s potential to discharge to Baylor Creek and require LCRA to take all reasonable steps to minimize or prevent future discharges that may adversely affect human health or the environment.

III. TCEQ Must Address Additional Clean Water Act Permitting Requirements

1. TCEQ Must Establish Technology-Based Effluent Limits in the Fayette TPDES Permit

The Draft Permit does not set technology-based effluent limits for the numerous pollutants that are regularly discharged from coal combustion leachate and impoundment wastewater. Under the CWA, NPDES permits must include technology based effluent limitations for all discharged pollutants.⁴⁰ TBELs must reflect pollutant controls constituting the “best available technology economically achievable” (“BAT”), and these effluent limitations “shall require the elimination of discharges of all pollutants if the Administrator finds, on the basis of information available to him . . . that such elimination is technologically and economically achievable.”⁴¹ All sources and all pollutants must be subject to technology-based effluent limits,⁴² unless more stringent water quality-based effluent limits are required to avoid exceedances of water quality standards.⁴³

To implement the CWA’s technology-based effluent limit requirements, the U.S. Environmental Protection Agency (“EPA”) is required to promulgate national effluent limitations and guidelines (“ELGs”) to control discharges of pollutants into the waters of the United States from industrial point sources.⁴⁴ EPA and states look first to the ELGs when setting technology-based effluent limits, which represent the minimum standards of protection.⁴⁵ Where

³⁸ *Id.* § III.E.2.

³⁹ *See id.* § II.B.6 (“The executive director may require an application for an individual permit or alternative general permit to authorize discharges of storm water from any industrial facility that is determined to cause a violation of water quality standards or is found to cause, or contribute to, the loss of a designated use of receiving waters.”).

⁴⁰ *See* 33 U.S.C. §§ 1311 (establishing technology based effluent limitations) & 1342(a)(1) (requiring that NPDES permits incorporate technology-based effluent limits); 40 C.F.R. § 122.44(a) (“Each NPDES permit shall include...technology-based effluent limitations and standards based on: effluent limitations and standards promulgated under section 301 of the CWA, or new source performance standards promulgated under section 306 of CWA, or case-by-case effluent limitations determined under section 402(a)(1) of CWA, or a combination of the three, in accordance with § 125.3 of this chapter”); 40 C.F.R. § 122.44(e) (“Each NPDES permit shall include...technology-based controls for toxic pollutants”); 30 TEX. ADMIN. CODE § 305.531 (incorporating 40 C.F.R. § 122.44 by reference).

⁴¹ 33 U.S.C. § 1311(b)(2)(A).

⁴² *See* 33 U.S.C. § 1311(b)(2)(A).

⁴³ *See id.* § 1312(a).

⁴⁴ 33 U.S.C. §§ 1311(b), 1314(b).

⁴⁵ *See Natural Res. Def. Council v. Env'tl. Prot. Agency*, 859 F.2d 156, 183 (D.C. Cir. 1988).

EPA has not yet promulgated ELGs for particular pollutants discharged by a given point source category, the CWA requires the TCEQ to stand in the shoes of EPA and use its best professional judgment (“BPJ”) to set case-by-case TBELs for these pollutants in NPDES permits.⁴⁶ EPA last promulgated ELGs for the steam electric power generation industry in 1982 – approximately 30 years ago – before the agency was fully cognizant of threats posed by waste waters from coal ash handling and air pollution control systems. With respect to waste streams from power plants, such as the Fayette plant, the outdated ELGs cover only (1) pH, (2) total suspended solids (“TSS”), (3) oil and grease, (4) total residual chlorine, and (5) selenium.⁴⁷

EPA has not yet established ELGs for metals and other pollutants in waste streams from power plants. The steam electric power generating industry is the second largest discharger of toxic pollutants, and the toxicity of these discharges is primarily driven by metals associated with coal combustion waste handling and air pollution control systems.⁴⁸ As EPA recently stated:

An increasing amount of evidence indicates that the characteristics of coal combustion wastewater have the potential to impact human health and the environment. Many of the common pollutants found in coal combustion wastewater (e.g., selenium, mercury, and arsenic) are known to cause environmental harm and can potentially represent a human health risk. Pollutants in coal combustion wastewater are of particular concern because they can occur in large quantities (i.e., total pounds) and at high concentrations (i.e., exceeding Maximum Contaminant Levels (MCLs)) in discharges and leachate to groundwater and surface waters. In addition, some pollutants in coal combustion wastewater present an increased ecological threat due to their tendency to persist in the environment and bioaccumulate in organisms, which often results in slow ecological recovery times following exposure.⁴⁹

Specifically, EPA has identified 27 pollutants to analyze in coal ash wastewaters, including: aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, mercury, molybdenum, nickel, selenium, silver, sodium, thallium, tin, titanium, vanadium, yttrium, and zinc.⁵⁰

Coal pile runoff shares many characteristics of coal combustion wastewaters. EPA’s survey of coal pile runoff at many coal-burning EGUs found it to be extremely acidic “due to the oxidation of iron sulfide, which produces sulfuric acid, and ferric hydroxide or ferric sulfate,” and to contain high concentrations of copper, iron, aluminum, and nickel.⁵¹

⁴⁶ 33 U.S.C. § 1311(b)(2)(A); 33 U.S.C. § 1342 (a)(1)(B); 40 C.F.R. § 125.3(c), (d); *Natural Res. Def. Council v. Envtl. Prot. Agency*, 863 F.2d 1420, 1425 (9th Cir. 1988).

⁴⁷ Draft Permit at 2a-2f.

⁴⁸ U.S. EPA, *Notice of Availability of Preliminary 2008 Effluent Guidelines Program Plan*, 72 Fed. Reg. 61,335, 61,342 (Oct. 30, 2007).

⁴⁹ U.S. EPA, *Steam Electric Power Generating Point Source Category: Final Detailed Study Report*, EPA 821-R-09-008, 3-19 (October 2009) (“EGU Detailed Study”).

⁵⁰ *Id.* at 3-34; see also U.S. EPA, *Notice of Final 2008 Effluent Guidelines Program Plan*, 73 Fed. Reg. 53,218 (Sept. 15, 2008).

⁵¹ See EGU Detailed Study at 3-22 to 3-23.

EPA has published a proposal to revise the ELGs for power plants to include metals and other pollutants as the Clean Water Act requires.⁵² But EPA does not plan to issue a final rule until at least September 30, 2015.⁵³ Thus, it could still be a number of years before EPA finalizes ELGs for metals and other pollutants from power plants. Accordingly, in the interim, the Clean Water Act requires that TCEQ use its best professional judgment to set BAT-based TBELs to limit pollution and protect the Colorado River Basin.⁵⁴

The current permit does not set TBELs on toxic pollutants in coal combustion residual leachate⁵⁵ despite the fact that the permit allows LCRA to discharge coal combustion leachate from Outfalls 003, 301, and 004 to tributaries of Cedar Creek and Cedar Creek Reservoir.⁵⁶ Although EPA has identified 27 pollutants found in coal ash wastewaters (including, aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, mercury, molybdenum, nickel, selenium, silver, sodium, thallium, tin, titanium, vanadium, yttrium, and zinc),⁵⁷ the current permit for the Fayette Plant only imposes limits on one toxic—selenium.⁵⁸ As noted, the Clean Water Act requires that TCEQ use its best professional judgment to set BAT-based TBELs on toxic pollutants in discharges of coal combustion waste wastewaters.⁵⁹

TCEQ must undertake the BPJ analysis for leachate with the goal of eliminating pollutant discharges, not as a substitute for setting TBELs.⁶⁰ Although zero-discharge may not be strictly attainable in all settings, the best available technologies must be applied in an effort to get as close as possible to zero discharge. TCEQ can and must consider the same mandatory factors that EPA would consider in setting national effluent limitations, including the age of facilities, the process employed, engineering aspects of various control techniques, process changes, and non-water environmental impacts.⁶¹ While a thorough review of available technologies including their cost and performance is required, the vast majority of this analysis has already been done

⁵² Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category, 78 Fed. Reg. 34,432 (June 7, 2013).

⁵³ EPA, Proposed Effluent Guidelines for the Steam Electric Power Generating Category, <http://water.epa.gov/scitech/wastetech/guide/steam-electric/proposed.cfm#consent> (last visited on May 14, 2014).

⁵⁴ 33 U.S.C. § 1311(b)(2)(A).

⁵⁵ In its 2013 proposal, EPA proposes to define combustion residual leachate as leachate from landfills or surface impoundments containing residuals from the combustion of fossil or fossil-derived fuel. Leachate includes liquid, including any suspended or dissolved constituents in the liquid, that has percolated through or drained from waste or other materials placed in a landfill, or that pass through the containment structure (e.g., bottom, dikes, berms) of a surface impoundment. Leachate also includes the terms seepage, leak, and leakage, which are generally used in reference to leachate from an impoundment. 78 Fed. Reg. at 34,533.

⁵⁶ 9 Permit, at 17.

⁵⁷ 0 EA at 3-34; see also U.S. EPA, Notice of Final 2008 Effluent Guidelines Program Plan, 73 Fed. Reg. 53,218 (Sept. 15, 2008).

⁵⁸ Permit, 2-2g

⁵⁹ 33 U.S.C. § 1311(b)(2)(A).

⁶⁰ *Natural Res. Def. Council v. EPA*, 863 F.2d at 1426 (“BAT should represent ‘a commitment of the maximum resources economically possible to the ultimate goal of eliminating all polluting discharges.’”).

⁶¹ *Natural Res. Def. Council v. EPA*, 859 F.2d at 183; 33 U.S.C. §1314(b)(2)(B).

by EPA. EPA signed a comprehensive proposed rule and published detailed supporting documents on April 19, 2013.⁶² Prior to the proposal, EPA published guidance and Steam Electric Power Generating Point Source Category reports.⁶³ EPA also made extensive materials available to state permit writers, and over the course the multi-year study of the Steam Electric industry conducted prior to the proposed rule, it coordinated directly with state and regional permit writers.⁶⁴ In addition, the Public Interest Groups have submitted extensive legal and technical comments on EPA's proposal with respect to coal combustion residual discharges and other wastestreams.⁶⁵ Thus, TCEQ has—and has had—the information it needs to conduct the BPJ analysis required by law.

Although total loadings from coal combustion residual leachate may be small in relation to FGD and ash transport wastewaters, coal combustion residual leachate is responsible for significant, adverse impacts on public health and the environment. As is the case at the Fayette Plant, impoundments and landfills often directly discharge or leak and seep into groundwater and/or smaller creeks and streams that are tributaries of larger rivers and lakes. Toxic pollution in small streams and creeks will result in higher concentrations of selenium, cadmium, and other pollutants that are toxic to aquatic life in minute concentrations. In addition, humans recreating in and around these smaller water bodies will also face a greater risk of adverse health effects from exposure to higher concentrations of coal combustion waste pollution. In fact, combustion residual leachate is responsible for a significant number of EPA proven and potential damage cases. Nearly half (30 of 67) of EPA's documented surface water damage cases were caused by leachate seeping into groundwater flowing into surface water.⁶⁶ For all these reasons, it is critical that TCEQ conduct a BPJ analysis to set BAT limits to clean up these dangerous discharges and protect public health and the environment.

Additionally, LCRA claims that the Plant does not discharge wastewater associated with FGD pollution controls.⁶⁷ Similar to the prohibition on discharge of ash transport wastewaters in the current permit,⁶⁸ TCEQ should expressly prohibit discharges of FGD wastewater to waters of the State since LCRA claims to achieve “zero discharge” by recycling wastewater within the plant.

⁶² Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category, 78 Fed. Reg. 34,432 (June 7, 2013).

⁶³ See Memorandum from James Hanlon, EPA, Director of the Office of Wastewater Management to EPA Water Division Directors, Regions 1-10 & Attachment A: Technology Based Effluent Limits, Flue Gas Desulfurization (FGD) at Steam Electric Facilities (June 7, 2010) [hereinafter, Hanlon Memo].

⁶⁴ *Id.*

⁶⁵ Environmental Integrity Project, Earthjustice, and Sierra Club comments on EPA's Proposal to Revise the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category, Docket No. EPA-HQ-OW-2009-0819-4684 (Sept. 20, 2013). The comments and appendices and exhibits are available at www.regulations.gov. Because these documents are voluminous, we hereby incorporate them by reference instead of providing them as attachments..

⁶⁶ EA at A-29-A-39

⁶⁷ Application, Attachment FPP-TECH 1.

⁶⁸ Permit, at 15.

2. *TCEQ Must Undertake a Full, Independent Analysis of Continuous Operation of the Fayette Flue Gas Desulfurization System to Control SO₂ Emissions Will Affect Wastewater Discharges*

In 2001, LCRA completed the installation of flue gas desulfurization equipment at Units 1 & 2, and is required to continuously operate that equipment. The Texas Administrative Code requires a permittee to supplement its application when the permittee becomes aware that it failed to submit any relevant facts in a permit application.⁶⁹ Moreover, the applicant is required to notify TCEQ where any change in the operation of a source could significantly change the *nature or increase* the quantity of pollutants that are discharged, but not limited in the permit.⁷⁰ There is no indication in the public records available that LCRA submitted any other analysis of this increased waste stream or how it might affect existing discharges. TCEQ must require LCRA to submit analytical data for this increased or additional waste stream, and information on exactly how often and in what quantities the FGD system will discharge, as well as the likely composition of that discharge. FGD systems are in use at many other coal plants around the country (and has been in use at Unit 3 for many years), so LCRA should be able to provide TCEQ with reliable predictions about what this discharge will contain, and how the continuous operation of the FGD system will impact discharges. As explained above, FGD waste water contains elevated levels of numerous pollutants that could affect dissolved oxygen levels in the receiving waterways. The use of additional lime sorbent, the continuous use of FGD, and the production of potentially significant amounts of additional FGD waste water might affect the quantity and quality of the facility's discharges.

TCEQ must require LCRA to supplement the application with complete information about the increased FGD discharges, and an analysis of how the continuous operation of the FGD system will affect the composition and quantity of the FGD wastewater and sludge. TCEQ should then reevaluate whether additional effluent limits or monitoring requirements are needed. Additionally, TCEQ should require several years of monitoring and reporting for the contaminants expected to be found in the FGD discharge so as to better understand the impacts of these wastewaters and whether additional effluent limits need to be in place.

3. *TCEQ Should Include Limits and Monitoring Requirements for Bromides, which Interact with Wastewater Treatment Systems to Form Harmful Compounds.*

Coal plant waste, including FGD coal ash waste, contains bromide salts, which are very hard to remove short of evaporating wastewater to crystallize out these pollutants.⁷¹ Bromides interact with wastewater treatment systems at public drinking water intakes to form disinfection byproducts, including a class of chemicals called trihalomethanes, which are linked to bladder

⁶⁹ 30 T.A.C. § 305.125(19).

⁷⁰ See 40 C.F.R. § 122.41(1)(1)(ii) (adopted by reference 30 T.A.C. § 305.537).

⁷¹ 78 Fed. Reg. at 34,477 (June 7, 2013).

cancer.⁷² As noted in the draft permit, Fayette discharges to Cedar Creek and the Colorado River Basin, which is designated as a drinking water supply.⁷³ Drinking water utilities are concerned about escalating levels of bromide in the water supply, as those elevated levels has made it increasingly difficult for them to meet Safe Drinking Water Act requirements for trihalomethanes.⁷⁴

Other states have recognized the potential water quality concerns associated with bromide pollution. In North Carolina, the NPDES permit for the Belews Creek Steam Station requires monthly monitoring for bromides at the outfall from an ash settling pond that receives the effluent from the FGD treatment system.⁷⁵ The permit contains a separate requirement to evaluate bromide reduction technologies for these discharges and to coordinate with downstream water systems.⁷⁶ If TCEQ does not require LCRA to monitor and install mechanical evaporation as BAT for bromides, it will simply be shifting the cost of addressing the bromides problem from the well-funded electric generating sector onto resource-limited public water systems. At a minimum, we urge TCEQ to require monitoring and reporting of bromide discharges at Fayette.

4. *TCEQ Has Not Properly Evaluated Whether the Draft Permit Will Adversely Affect the Endangered Houston Toad.*

TCEQ's determination that the draft permit will not adversely affect the endangered Houston Toad (*Bufo houstonensis* Sanders) is incomplete.⁷⁷ TCEQ must consult with FWS when a proposed permit for an electric generating facility will result in the discharge of effluent containing lead, copper, arsenic, chromium, mercury, cadmium, nickel, cyanide, among other toxic metals into sensitive waters. Because the draft permit will result in the discharge of several of those substances into the Colorado River, which is critical habitat for the species, TCEQ was required to submit a preliminary draft of the permit to FWS.

Although TCEQ notified U.S. Fish and Wildlife of the Fayette draft permit, TCEQ apparently failed to consider the possible impact of coal combustion waste discharges on the Houston Toad. Nor did the agency specifically notify FWS that the proposed permit would result in the discharge of effluent containing lead, copper, arsenic, chromium, mercury, cadmium, nickel, cyanide, among other toxic metals. Moreover, as discussed more fully below, TCEQ failed to properly analyze or disclose the impacts to endangered aquatic species from Fayette's cooling water intake system.

⁷² *Id.* at 34,505.

⁷³ Fact Sheet at 1.

⁷⁴ EPA, Environmental Assessment for the Proposed Effluent Limitation Guidelines and Standards for the Steam Electric Power Generating Point Source Category 3-14 (Apr. 2013), Docket No. EPA-HQ-OW-2009-0819-2260 [hereinafter EA].

⁷⁵ 2012 NPDES Permit for Belews Creek Steam Station, NC0024406, at p.4.

⁷⁶ *Id.* at Condition A.(14), p.9.

⁷⁷ Fact Sheet at 5; 35 Fed. Reg. 16,047 (Oct. 13, 1970).

Fayette has two coal ash impoundments: one fly ash impoundment and reclaim pond, both of which are routed through the rainfall surge pond, the primary and secondary treatment basins, and then discharged to Cedar Creek and the Colorado River Basin. As EPA has recognized, coal combustion wastewater is very likely to contain heavy, bioaccumulative pollutants such as mercury, selenium, cadmium, arsenic, mercury, lead, chromium, nickel, and copper.⁷⁸ Because the Houston Toad is a very long-lived species, bioaccumulative pollutants like selenium and mercury pose a special harm. The draft permit, however, does not contain any information on the frequency or amount of arsenic, chromium, mercury, lead, copper, nickel, selenium, or other similar contaminants being discharged into critical habitat for the Houston Toad. Moreover, as discussed below, the draft permit also lacks any analysis or information about the impacts of Fayette's cooling water intake system on the Houston Toad. TCEQ therefore lacks sufficient information on which to base a scientific determination of whether the proposed discharges will adversely impact the toad, and therefore cannot meet its obligations to protect these species.

5. *TCEQ Must Ensure Compliance with Clean Water Act Section 316(b).*

Section 316(b) of the Clean Water Act requires that the "location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impacts."⁷⁹ The withdrawal of cooling water by existing electric generation facilities removes and kills hundreds of billions of aquatic organisms from waters of the United States each year, including plankton (small aquatic animals, including fish eggs and larvae), fish, crustaceans, shellfish, sea turtles, marine mammals, and many other forms of aquatic life.⁸⁰ Cooling water intake systems pose two major threats to aquatic life. The first is impingement, which occurs when fish die or are injured as a result of being pinned against the cooling water intake screens. The second is entrainment, which occurs when aquatic organisms that are small enough to pass through the wire mesh of the cooling water intake screens, are sucked into the pumps.

On May 19, 2014, EPA finalized rules for cooling water intake structures at facilities like the Fayette Power Plant.⁸¹ The rule establishes requirements under section 316(b) of the Clean Water Act for existing power generating facilities and existing manufacturing and industrial facilities that, like Fayette, are designed to withdraw more than 2 million gallons per day (mgd) of water from waters of the United States and use at least 25 percent of the water they withdraw exclusively for cooling purposes.⁸² In particular, the rule provides a national performance standard for avoidance of impingement mortality that may be met by the installation of modified

⁷⁸ See EGU Detailed Study, *supra* note 7, at 3-22 to 3-23; see also U.S. EPA, Notice of Final 2008 Effluent Guidelines Program Plan, 73 Fed. Reg. 53,218 (Sept. 15, 2008) (identifying pollutants commonly found in coal ash wastewaters, including arsenic, cadmium, chromium, copper, iron, lead, mercury, nickel, silver).

⁷⁹ 33 U.S.C. § 1326(b).

⁸⁰ U.S. EPA, Final Rule, National Pollutant Discharge Elimination System—Final Regulations to Establish Requirements for Cooling Water Intake Structures at Existing Facilities and Amend Requirements at Phase I Facilities at 12, Docket No. EPA-HQ-OW-2008-0667 (May 19, 2014) [hereinafter "Final 316(b) Rule"].

⁸¹ See Final 316(b) Rule.

⁸² *Id.* at 10-11.

traveling screens or one or more of six other compliance alternatives that are equivalent or better in performance.⁸³ With regard to entrainment, the rule contains a national BTA standard that is a process for a site-specific determination of entrainment mitigation requirements at existing CWIS. The entrainment provision reflects EPA's assessment that there is no single technology basis that is BTA for entrainment at existing facilities, but instead a number of factors that are best accounted for on a site-specific basis. Site-specific decision making may lead to a determination by the NPDES permitting authority that entrainment requirements should be based on variable speed pumps, water reuse, fine mesh screens, a closed-cycle recirculating system, or some combination of technologies that constitutes BTA for the individual site.⁸⁴

Although TCEQ acknowledges EPA's Final 316(b) Rule, the agency failed to exercise best professional judgment to determine the "best technology available" at Fayette's cooling water intake structures.⁸⁵ Instead, TCEQ appears to have relied solely upon the permit applicant's own 316(b) Assessment, which concluded that Fayette's cooling water intake system represents the best technology available even though the system has the potential to impinge or entrain significant numbers of organisms and larvae, including the endangered Houston toad (*Bufo houstonensis Sanders*). Yet the draft permit lacks any analysis or information about the impacts of Fayette's cooling water intake system on this endangered species.

Federal law requires TCEQ choose a cooling water intake structure that best minimizes adverse environmental impacts. Despite the acknowledged potential for impacts to sensitive species, LCRA's 316(b) Assessment failed to even consider retrofitting or upgrading its closed-cycle cooling system to replace the once-through cooling system at Fayette. TCEQ cannot continue with the approach it approved in 2011: the use of bar screens, sluice screens, and further studies as a 316(b) compliance strategy. Screens cannot address Fayette's significant entrainment and impingement impacts. As a result, TCEQ's interim approach to regulating Fayette's cooling water intakes is unlawful. TCEQ must require LCRA to retrofit its system to a closed-cycle cooling system, or upgrade its current cooling system to protect the aquatic ecosystem.

TCEQ must also require LCRA to provide additional data on impingement and entrainment at its cooling water intake structure, and conduct a proper, site-specific analysis of

⁸³ *Id.* at 14-15. More specifically, the rule provides that existing facilities subject to this rule must comply with one of the following seven alternatives identified in the national BTA standard for impingement mortality: (1) operate a closed-cycle recirculating system as defined at § 125.92; (2) operate a cooling water intake structure that has a maximum through-screen design intake velocity of 0.5 fps; (3) operate a cooling water intake structure that has a maximum through-screen intake velocity of 0.5 fps; (4) operate an offshore velocity cap as defined at § 125.92 that is installed before the effective date of the rule; (5) operate a modified traveling screen that the Director determines meets the definition at § 125.92(s) and that the Director determines is the best technology available for impingement reduction; (6) operate any other combination of technologies, management practices and operational measures that the Director determines is the best technology available for impingement reduction; or (7) achieve the specified impingement mortality performance standard. *See* Final 316(b) Rule at 89-90. Neither the Draft Permit nor the Fact Sheet provides sufficient information to determine whether Fayette will comply with any of these alternatives.

⁸⁴ Final 316(b) Rule at 13-14.

⁸⁵ Draft Permit at 24.

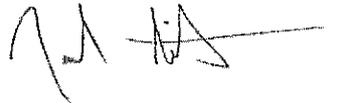
whether Fayette's cooling water intake system is adversely impacting aquatic life. TCEQ must require the company to submit the studies necessary to evaluating the impacts of its dual cooling water intake systems and determining the best technology available to minimize these impacts. TCEQ must then incorporate enforceable conditions relating to that technology directly into the final permit.

Conclusion

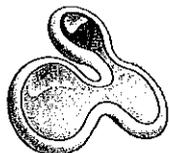
In sum, the Application and Draft Permit suffer a number of legal defects, which LCRA and TCEQ must address before the final permit may issue. Sierra Club appreciates the opportunity to submit these comments, reserves the right to rely on all public comments submitted concerning the Fayette TPDES permit, and requests both a written response to these comments and a written notification of any agency action taken pertaining to this draft permit. If the permit is amended or altered in response to comments, Sierra Club requests an opportunity to review and comment on any amended permit.

If you have any questions or would like further input from the Sierra Club on this matter, please contact me at any time.

Sincerely,



Joshua Smith
Staff Attorney
SIERRA CLUB
85 Second Street
San Francisco, CA 94105
Tel: 415.977.5560
Fax: 415.977.5793
joshua.smith@sierraclub.org



CALIBER ANALYTICAL SERVICES

Certificate of Analysis

A-Prime Water Well Service
6149 Baca Road
Fayetteville, Texas 78940

Date Sampled: 03/10/15 14:10
Date Received: 03/23/15 17:00
Date Issued: 04/02/15

Project: TREW
Site Location: Fayetteville, TX
Project Number: 2A

SDG Number: 15032310

Field Sample ID:	1-Baylor Creek	Matrix:	Water	Lab ID:	15032310-01		
	Result	Unit	LLQ	Method	Prepared	Analyzed	Init.
Sulfate by IC							
Sulfate	3.3	mg/L	1	EPA 300.0	03/24/15	03/24/15 16:22	SS
Total Metals							
Aluminum	8,800	ug/L	50	EPA 6020A	03/24/15	03/30/15 10:54	MEL
Antimony	ND	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Arsenic	6.3	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Barium	260	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Beryllium	ND	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Boron	38	ug/L	5	EPA 6020A	03/25/15	03/25/15 13:23	MEL
Cadmium	ND	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Calcium	250,000	ug/L	100	EPA 6020A	03/24/15	03/30/15 10:54	MEL
Chromium	8.0	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Cobalt	ND	ug/L	5	EPA 6020A	03/24/15	03/30/15 10:54	MEL
Copper	6.8	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Iron	7,000	ug/L	100	EPA 6020A	03/24/15	03/30/15 10:54	MEL
Lead	10	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Magnesium	4,200	ug/L	100	EPA 6020A	03/24/15	03/30/15 10:54	MEL
Manganese	410	ug/L	5	EPA 6020A	03/24/15	03/30/15 10:54	MEL
Mercury	ND	ug/L	0.2	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Molybdenum	ND	ug/L	5	EPA 6020A	03/25/15	03/25/15 12:06	MEL
Nickel	7.3	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Potassium	5,900	ug/L	100	EPA 6020A	03/24/15	03/30/15 10:54	MEL
Selenium	ND	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Silver	ND	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Sodium	5,700	ug/L	100	EPA 6020A	03/24/15	03/30/15 10:54	MEL
Thallium	ND	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Vanadium	32	ug/L	5	EPA 6020A	03/24/15	03/30/15 10:54	MEL
Zinc	21	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:12	MEL

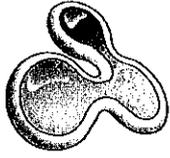
Notes/Qualifiers:

LLQ- Lowest Level of Quantitation

ND - Not Detected at a concentration greater than or equal to the LLQ.

Approved by:

QC Chemist



CALIBER ANALYTICAL SERVICES

Certificate of Analysis

A-Prime Water Well Service
6149 Baca Road
Fayetteville, Texas 78940

Date Sampled: 03/10/15 14:25
Date Received: 03/23/15 17:00
Date Issued: 04/02/15

Project: TREW
Site Location: Fayetteville, TX
Project Number: 2A

SDG Number: 15032310

Field Sample ID:	2-Baylor Creek	Matrix: Water			Lab ID: 15032310-02			
	Result	Unit	LLQ	Method	Prepared	Analyzed	Init.	
Sulfate by IC								
Sulfate	3.5	mg/L	1	EPA 300.0	03/24/15	03/24/15 16:40	SS	
Total Metals								
Aluminum	9,700	ug/L	50	EPA 6020A	03/24/15	03/30/15 11:19	MEL	
Antimony	ND	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:40	MEL	
Arsenic	6.9	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:40	MEL	
Barium	290	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL	
Beryllium	ND	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:40	MEL	
Boron	40	ug/L	5	EPA 6020A	03/25/15	03/25/15 13:45	MEL	
Cadmium	ND	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:40	MEL	
Calcium	250,000	ug/L	100	EPA 6020A	03/24/15	03/30/15 11:19	MEL	
Chromium	8.5	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL	
Cobalt	5.1	ug/L	5	EPA 6020A	03/24/15	03/30/15 11:19	MEL	
Copper	8.8	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL	
Iron	7,800	ug/L	100	EPA 6020A	03/24/15	03/30/15 11:19	MEL	
Lead	11	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL	
Magnesium	4,400	ug/L	100	EPA 6020A	03/24/15	03/30/15 11:19	MEL	
Manganese	410	ug/L	5	EPA 6020A	03/24/15	03/30/15 11:19	MEL	
Mercury	ND	ug/L	0.2	EPA 6020A	03/24/15	03/26/15 11:40	MEL	
Molybdenum	ND	ug/L	5	EPA 6020A	03/25/15	03/25/15 12:24	MEL	
Nickel	8.3	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL	
Potassium	6,000	ug/L	100	EPA 6020A	03/24/15	03/30/15 11:19	MEL	
Selenium	ND	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL	
Silver	ND	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL	
Sodium	5,600	ug/L	100	EPA 6020A	03/24/15	03/30/15 11:19	MEL	
Thallium	ND	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:40	MEL	
Vanadium	35	ug/L	5	EPA 6020A	03/24/15	03/30/15 11:19	MEL	
Zinc	23	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL	

Notes/Qualifiers:

LLQ- Lowest Level of Quantitation

ND - Not Detected at a concentration greater than or equal to the LLQ.

Approved by:

QC Chemist



CALIBER ANALYTICAL SERVICES

Certificate of Analysis

A-Prime Water Well Service
6149 Baca Road
Fayetteville, Texas 78940

Date Sampled: 03/10/15 15:00
Date Received: 03/23/15 17:00
Date Issued: 04/02/15

Project: TREW
Site Location: Fayetteville, TX
Project Number: 2A

SDG Number: 15032310

Field Sample ID:	1-Cedar Creek	Matrix: Water			Lab ID: 15032310-03		
	Result	Unit	LLQ	Method	Prepared	Analyzed	Init.
Total Metals							
Aluminum	2,700	ug/L	50	EPA 6020A	03/30/15	03/30/15 11:24	MEL
Antimony	ND	ug/L	1	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Arsenic	4.3	ug/L	1	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Barium	100	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Beryllium	ND	ug/L	1	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Boron	58	ug/L	5	EPA 6020A	03/25/15	03/25/15 13:49	MEL
Cadmium	ND	ug/L	1	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Calcium	33,000	ug/L	100	EPA 6020A	03/30/15	03/30/15 11:24	MEL
Chromium	ND	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Cobalt	ND	ug/L	5	EPA 6020A	03/30/15	03/30/15 11:24	MEL
Copper	12	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Iron	3,600	ug/L	100	EPA 6020A	03/30/15	03/30/15 11:24	MEL
Lead	9.4	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Magnesium	2,800	ug/L	100	EPA 6020A	03/30/15	03/30/15 11:24	MEL
Manganese	410	ug/L	5	EPA 6020A	03/30/15	03/30/15 11:24	MEL
Mercury	ND	ug/L	0.2	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Molybdenum	ND	ug/L	5	EPA 6020A	03/25/15	03/25/15 12:28	MEL
Nickel	ND	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Potassium	4,500	ug/L	100	EPA 6020A	03/30/15	03/30/15 11:24	MEL
Selenium	ND	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Silver	ND	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Sodium	8,600	ug/L	100	EPA 6020A	03/30/15	03/30/15 11:24	MEL
Thallium	ND	ug/L	1	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Vanadium	14	ug/L	5	EPA 6020A	03/30/15	03/30/15 11:24	MEL
Zinc	23	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL

Notes/Qualifiers:

LLQ- Lowest Level of Quantitation

ND - Not Detected at a concentration greater than or equal to the LLQ.

Approved by:

QC Chemist



CALIBER ANALYTICAL SERVICES

8851 Orchard Tree Lane
 Towson, MD 21286
 Phone: 410.825.1151
 Fax: 410.825.2126
 www.caslabs.net

A-Prime / Trew

Chain of Custody Record

Customer: Harley Haxek
 Contact/Report to:
 Phone: 979.249.3075
 Fax: 979.249.4105

E-mail address: take@ccc.com
 Project Name: Trew
 Project Number: 2A
 Location: Fayetteville, TX

SDG Number: 15032310

Sampled by: H. Haxek
 PO Number: 2015

Lab Number	Field Sample ID	Date Sampled	Time Sampled	No. of Bottles	Matrix	Preservative	Analysis Requested		Sampling Remarks/Comments
	1- Baylor Creek	3/10/15	1410	1	H ₂ O	✓		Total Metals	Perform Baylor Creek samples 155
	2- Baylor Creek	3/10/15	1425	1	H ₂ O	✓			
	1- Cedar Creek	3/10/15	1445	1	H ₂ O	✓			
	2- Cedar Cr	3/10/15	1500	1	H ₂ O	✓			

Relinquished by: Just Collier USPS
 Received by: Just Collier USPS
 Relinquished by:
 Received by:
 Relinquished by:
 Received by:

Date/Time:	Date/Time:	Date/Time:	Date/Time:	Date/Time:	Date/Time:
3/23/15 1700	3/23/15 1700				

Deliverables: I II III CLP EDD
 Receipt Temperature: Turnaround Time: STD Next Day 2-Day Other
 Temp: On Ice
 Custody Seals: Send more CoC's
 Sample Cooler bottles
 Delivered by client Se, Fe, As, Hg
VIA NSM f 804

EXHIBIT 2

From: April Hoh
To: beekie.loeve@lera.org
Date: 4/15/2010 9:43 AM
Subject: 2105 Amendment

Beekie,

Good morning! To follow up on our conversation yesterday, the following information would allow me to finish my assessment of the permit amendment. Please provide a summary of the current groundwater investigation to identify the source/extent of the selenium in the groundwater around monitoring well AP-407. Include in the summary:

1. That, as you mentioned on the phone, the investigation has allowed you to get a better understanding of the source of the selenium in that middle sand aquifer, and that you think it is the ash pond.
2. Please provide some information on why you think the ash pond is the likely source.
3. Why have you determined that the selenium source is not the coal pile or the coal pile runoff area?
4. A brief description that the coal pile and the coal pile runoff area are not connected to the ash pond.
5. Future plans for the ash pond and a brief discussion that you are working with our Remediation Division to close that pond and will be working on a clean up action plan (or whatever the correct Remediation plan title is at this next phase).
6. I understand you are also working on identifying or understanding that molybdenum source, but that the investigation is still ongoing in this matter. Perhaps a brief discussion that the investigation into the Mo is ongoing.

Please provide this information at your earliest convenience, or by May 15, 2010, so that I may finish my review and the permit amendment can continue through our review process. Obviously, if you can get the information to me sooner, I can route it out of here quicker to get that amendment moving.

Thank you for your help on this matter.
April

April Hoh, P.G.
Geologist
Water Quality Assessment Team
Texas Commission on Environmental Quality
Phone: 512-239-3567
Fax: 512-239-4420

Please consider whether it is necessary to print this e-mail



May 7, 2010

TCEQ
Received

MAY 07 2010
Water Quality
Assessments

Ms. April Hoh MC-150
Water Quality Assessment Team
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: Lower Colorado River Authority (LCRA)
Fayette Power Project (FPP)
Groundwater Investigation Summary

Dear Ms. Hoh:

This letter is in response to a conversation we had on 04/14/2010 related to an ongoing groundwater investigation. You requested a summary of the current groundwater investigation to identify the source/extent of the selenium in the groundwater around monitoring well AP-407. I have included each of your questions and followed each question with the information learned, thus far, as a result of the investigation. As we discussed during our conversation, the investigation is not complete. Upon completion of the groundwater investigation, I will send you a copy of the final report.

1. That, as you mentioned on the phone, the investigation has allowed you to get a better understanding of the source of the selenium in that middle sand aquifer, and that you think it is the ash pond.

Answer: The investigation has generally involved the installation and testing of 2 new shallow water-bearing zone and 7 new Middle Sand groundwater monitoring wells, and the physical assessment of the construction integrity of monitoring well RP-67 (which has a history of elevated selenium near the Reclaim Pond). The new monitoring wells were located to address data gaps in the current groundwater monitoring well network, and to target certain potential selenium source areas (e.g., the Coal Pile, the Reclaim Pond, and the Ash Pond). As described more specifically in the comments below, the data obtained from the investigation to date has provided the LCRA with a better understanding of the groundwater flow regimes beneath the facility and has indicated the likely source of the selenium is the Ash Pond.

2. Please provide some information on why you think the ash pond is the likely source.

Answer: The data appears to support a conclusion that the Ash Pond is the source of the selenium. This is based on several factors, as follows:

- Based on process knowledge and historical laboratory analytical data, fluids in the Ash Pond do contain elevated selenium concentrations (i.e., there is a source material present in the Ash Pond).
- It is possible that, during historical efforts to remove settled ash from the Ash Pond, the dredging extended to such depths as to potentially breach the underlying natural clay liner, thus creating a hydraulic connection between fluids in the Ash Pond and the Middle Sand. Based on the pressure head of the Middle Sand as compared to operating levels in the Ash Pond, the flow gradient would be vertical into the Middle Sand.
- Elevated selenium concentrations have been historically present primarily in monitoring well AP-407. This well is located in close proximity to, and in a generally down-gradient direction from, the Ash Pond.
- While selenium above its PCL has also been detected in monitoring well RP-67, which is immediately adjacent to the Reclaim Pond (RP), the recent field investigations have confirmed that this well was improperly constructed (i.e., it did not have an annular grout seal). It appears likely that the selenium concentrations in this well are associated with vertical migration along the well bore annulus, and not vertical migration through the clay underlying the RP. Thus, the best explanation for the historic occurrences of elevated selenium in RP-67 appears to be that limited lateral migration of fluids from the RP intersected the artificial vertical conduit created by the improperly constructed monitoring well RP-67. After encountering the monitoring well conduit, the fluids were likely able to migrate vertically into the Middle Sand. Based on the study findings, RP-67 was drilled out and plugged and abandoned and replaced with a new well (RP-67R) located within approximately 10 feet of the original well. After its installation, the new well was sampled and laboratory results indicated the selenium concentrations were below the selenium PCL.
- The recent field investigations included monitoring well installations specifically designed to evaluate the potential for there to be sources other than the Ash Pond. Specifically, one new well (CP-2S) was installed in a shallow water-bearing zone in fill material adjacent to the Coal Pile; and two new Middle Sand monitoring wells (CP-1 and CP-2) were installed in the area of, and down-gradient from, the Coal Pile. If the Coal Pile were the source or a contributing source of selenium to groundwater, one would expect to observe elevated selenium concentrations in these wells. Elevated selenium concentrations were not observed. This is consistent with past assessment work performed by LCRA which included collection and testing of water samples from seeps in the conveyor tunnels located directly beneath the Coal Pile, leaching analyses of Coal Pile samples, and testing of an existing Upper Sand monitoring well (AP-504) located down-gradient from the Coal Pile. None of these past assessments have indicated elevated selenium associated with the Coal Pile.

Given the complete plausibility of the Ash Pond as the selenium source based on operational, geochemical, and hydrological data, and the apparent absence of any other compelling evidence of a different or another source, the LCRA is reasonably confident the Ash Pond is the source of the selenium plume.

3. Why have you determined that the selenium source is not the coal pile or the coal pile runoff area?

Answer: See above comments.

4. A brief description that the coal pile and the coal pile runoff area are not connected to the ash pond.

Answer: The Coal Pile and its immediate runoff area are located more than 500 feet west of the Ash Pond and are physically separated from the Ash Pond by an interior road way, and a large drainage ditch. The drainage ditch connects to large culverts beneath the interior roadway which carry the Coal Pile runoff waters to the Coal Pile Runoff Pond. The Runoff Pond is located approximately 1200 feet south of the Ash Pond and is physically separated from the active (northern) portion of the Ash Pond by the closed (southern) portion of the Ash Pond.

5. Future plans for the ash pond and a brief discussion that you are working with our Remediation Division to close that pond and will be working on a clean-up action plan (or whatever the correct Remediation plan title is at this next phase).

Answer: The future plan for the Ash Pond is closure. LCRA has retained the engineering firm URS to affect the timely closure of this unit and we are working directly with the TCEQ Remediation Division to this end. The longer term cleanup of the selenium groundwater plume (and, potentially, a newly-detected molybdenum plume) beneath the Ash Pond will be accomplished in accordance with the TCEQ's Texas Risk Reduction Program (TRRP) requirements in TAC 30 Chapter 350. At this time, and in coordination with the TCEQ's Remediation Division, we are completing certain additional field investigations to fill remaining data gaps and, upon completion of these actions, an Affected Property Assessment Report (APAR) will be submitted to the TCEQ for approval. Upon TCEQ's approval of the APAR, the LCRA will prepare and implement a Response Action Plan (RAP).

6. I understand you are also working on identifying or understanding that molybdenum source, but that the investigation is still ongoing in this matter. Perhaps a brief discussion that the investigation into the Mo is ongoing.

Answer: Correct. Recent analytical data and historic trends from a single monitoring well (AP-406) have indicated the presence of a molybdenum groundwater plume. This well is located down gradient of the Ash Pond. LCRA has commissioned the consulting firm AMEC to design and implement an assessment of the molybdenum plume. The current plan involves the installation of additional groundwater monitoring wells in the vicinity of AP-406 for the purposes of better defining the lateral and down-gradient extent of this plume. The field work is scheduled to begin within the next few weeks. Based on the data obtained from this study, LCRA will develop additional assessment and or response action plans, as applicable. As with

the selenium plume, the LCRA is working directly with the TCEQ Remediation Division regarding the molybdenum occurrence.

If you have any questions, please don't hesitate to call me at (979)249-8774.

Thank you,

A handwritten signature in cursive script that reads "Beckie L. Loeve". The signature is written in black ink and has a fluid, connected style.

Beckie Loeve
Environmental Supervisor
LCRA - Fayette Power Project
6549 Power Plant Road
La Grange, Texas 78945
E-Mail: beckie.loeve@lcra.org

Texas Commission on Environmental Quality
Investigation Report
 Lower Colorado River Authority
 CN600253637

LCRA SAM SEYMOUR FAYETTE POWER PROJECT

RN100226844

Investigation # 995057	Incident #
Investigator: MICHAEL DANIELS	<u>Site Classification</u> INDUSTRIAL MAJOR
Conducted: 03/15/2012 -- 03/15/2012	NAIC Code: 221112 NAIC Code: 221119 SIC Code: 4911
Program(s): WASTEWATER	

Investigation Type : Compliance Investigation

Location : 7 MILES EAST OF LA
GRANGE, TX ON NORTH SIDE OF
HWY. 71

Additional ID(s) : WQ0002105000
TX0073121

Address: 6549 POWER PLANT RD; LA
GRANGE, TX 78945

Activity Type : REGION 11 - AUSTIN
WWCCIMDMAJ - WW CCI Mandatory Major

Principal(s) :

Role	Name
RESPONDENT	LOWER COLORADO RIVER AUTHORITY

Contact(s) :

Role	Title	Name	Phone
Participated in Investigation	ENVIRONMENTAL COORDINATOR	MR JAY JANCA	Cell (979) 249-7202 Work (979) 249-8661
Participated in Investigation	ENVIRONMENTAL SUPERVISOR	MS BECKIE LOEVE	Work (979) 249-8774 Cell (512) 663-4153
Regulated Entity Mail Contact	PLANT MANAGER	MR KENT DAWSON	Work (979) 249-3111

Other Staff Member(s) :

Role	Name
Supervisor	SHEA COCKRELL

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
WQ GENERAL CCI CHECKLIST	Fayette Power Plant
WQ INVESTIGATION - EQUIPMENT MONITORING AND SAMPLING	Fayette Power Plant

Investigation Comments :

INTRODUCTION

The LCRA Fayette Power Project was investigated on March 15, 2012, to determine compliance with applicable wastewater treatment regulations. This investigation is considered a mandatory major investigation. A verbal exit interview, explaining the results of the investigation, was

conducted on the same day of the investigation with Beckie Loeve and Jay Janca. A TCEQ Exit Interview Form was not provided since there were no violations to document. Based on the findings of this investigation, a General Compliance Letter was issued to acknowledge compliance.

GENERAL FACILITY AND PROCESS INFORMATION

The facility is permitted to discharge 1165 MGD once through cooling water at Outfall #001. The facility is permitted to discharge 2.5 MGD cooling water drained from condensers and other cooling equipment during maintenance at Outfall #002. The facility is permitted to discharge low volume wastewaters at Outfall #201. The facility is permitted to discharge low volume wastes, coal pile runoff, truck wash water, and storm water from the Coal Pile Runoff Pond at Outfalls #003 and #301. The facility is permitted to discharge low volume wastes, truck wash water, and storm water from the Combustion By-products Landfill Pond at Outfall #004. The facility is permitted to discharge treated domestic wastewater at Outfall #103. The facility utilizes chlorine to disinfect domestic wastewater prior to discharge to a holding pond.

The primary source of wastewater is industrial. A plant flow schematic is attached to this report. The facility has had no significant plant modifications and/or collection system upgrades associated with wastewater since the last comprehensive investigation. However, there have been modifications to the power plant operation including installation of wet scrubbers to Units 1 and 2. The overflow water from the wet scrubbers is discharged into the reclaim pond for water re-use in the flue gas desulfurization process. Solids from the wet scrubbers are recovered as gypsum and either sold or disposed into the combustion byproduct landfill. The installation of the wet scrubbers has allowed the facility to remove the ash storage pond. None of these changes has changed the wastewater outfall locations or sampling points.

Flow measurements are estimated by using pump curves. The pump curves were not reviewed during this inspection.

The effluent samples are collected by the operator and analyzed by LCRA Environmental Laboratory for the following parameters: BOD5, TSS, oil and grease, and selenium. The operator performs chlorine residual analysis, pH analyses, and temperature. LCRA Environmental Laboratory is accredited by TCEQ to perform analytical methods for the permitted parameters.

Effluent samples were collected at the end of the discharge canal (Outfall 001). The pH was 8.6 standard units. The total chlorine residual was measured with a Hach Pocket II colorimeter using the DPD method. The total chlorine residual varied between 0.07 mg/L and 0.6 mg/L. According to the permit, "the term total chlorine residual (or total residual oxidants for intake water with bromides) means the value obtained using the amperometric method for total residual chlorine described in 40 CFR Part 136." This item is discussed further in the Additional Information section of this report. Outfalls 002, 003, 301, and 004 were not discharging, so samples were not taken. Samples were taken from Outfall 103 (the domestic wastewater treatment plant) for TSS and BOD. The chlorine residual at Outfall 103 was measured to be 2.2 mg/L, and the pH at Outfall 103 was 7.7 standard units. Samples were taken at Outfall 201 for TSS and oil and grease. The pH was measured to be 7.55 standard units at Outfall 201. Samples were also taken from storm water outfalls at two locations, see attached map. The storm water was clear at both outfalls, free of foam and floating materials, and supported aquatic life. Sample analysis results, a sampling map, and the chain of custody are attached to this report. Sample results were compliant with permit limits.

BACKGROUND

A file review was performed as part of the investigation. The last wastewater compliance investigation was conducted on March 4, 2010. Three violations were alleged for failure to prevent unauthorized discharges, failure to meet TSS limits, and for incorrect sampling technique. All violations were resolved. There are no pending or existing enforcement cases; and, there have been no wastewater complaint investigations since the last investigation. There have been no unauthorized discharges of wastewater reported in the last 18 months. There have been no effluent violations in the previous twelve months. In November 2010, the TCEQ Austin Region Office conducted an Emergency Response inspection due to a seep from the coal ash pond. The coal ash pond is regulated as a Solid Waste Management Unit, see Investigation Report Number

864796 for more information. No violations were alleged, and one Additional Issue was reported for a potential discharge to an unnamed tributary to Cedar Creek.

The file review found copies of the Quarterly Selenium Progress Reports as required by the Other Requirements section of the permit. No selenium exceedances were reported in the Quarterly Reports. The ICIS database was used to review monthly DMRs since January 2010. No issues were found with the effluent results at any of the outfalls or with the biomonitoring results.

ADDITIONAL INFORMATION

The operators for the domestic wastewater treatment facility are Anabell Guerrero, with a Class B Wastewater Treatment Operator License, and Valerie Busselman, with a Class C Wastewater Treatment Operator License. The operation of the domestic wastewater treatment facility was reviewed with Ms. Guerrero. The domestic wastewater treatment facility includes two activated sludge treatment trains with aeration basins, clarifiers, sludge holding tanks, and a chlorination system for disinfection. The facility uses Hach Cl 17 chlorine analyzers to monitor and control the chlorine concentration in both wastewater treatment plants. A WTW MIQ/C184 instrument monitors the dissolved oxygen in the aeration basins in both treatment plants. The operator records daily flow readings, chlorine system readings, dissolved oxygen readings, and weather conditions in a logbook. The flow meters are in-line Signet paddle wheels. The accuracy of the meters could not be checked since the TCEQ does not have meters to verify the flow in an enclosed pipe. The accuracy of the meters is checked annually by LCRA instrument technicians. Sludge hauling tickets were available for review. The sludge is shipped by Southwaste (Transporter ID #24075) to Windermere WWTP (WQ0011931-001).

Three months of records were reviewed for July through September 2011. The records were found to be readily available and well-organized in notebooks by months with individual section tabs. The values reported on the DMRs were found to be consistent with the laboratory analysis results. A copy of the updated facility map was provided during the records review. The revisions to the facility map were to add locations of new monitoring wells and stormwater outfalls.

On March 15, 2012, LCRA sent a letter notifying the TCEQ that it had not sampled and analyzed Outfall 002 for Table 1 and Table 2 parameters during a discharge from November 29 through December 1, 2011. This is a new Other Requirement 12 on page 17 of the permit that was issued on August 30, 2011. The letter also acknowledged that LCRA failed to sample and analyze Outfall 003 for Table 1 and Table 2 parameters during a discharge from March 6 through March 8, 2012. LCRA discovered the oversight on March 14, 2012, and verbally reported the item to TCEQ Enforcement Division and TCEQ Region 11. LCRA will report the occurrence on the March 2012 DMR. LCRA has sampled a discharge from Outfall 002 on March 19, 2012, and a discharge from Outfall 003 on March 26, 2012. A copy of the chain of custody for each sample is attached to this report. This item will be resolved as an Area of Concern.

The sample at Outfall 001 showed a variation in the residual chlorine concentration to be 0.07 mg/L to 0.6 mg/L when measured with a Hach colorimeter and the DPD method. It was not clear why there was such a significant variation in the analysis result. The permit specifically states that an amperometric titration method is required to measure the chlorine residual. A review of the QA/QC analysis spikes routinely shows a percent recovery of 45% to 65%. This is an indication that there is a matrix interference in the amperometric chlorine analysis. Based on this information, I requested that additional spike concentrations of two times and three times the standard spike concentration should be run to determine the effect of the matrix interference. Since the permit specifically requires the amperometric titration method to measure chlorine, the chlorine readings of greater than 0.2 mg/L with the Hach meter will be identified as an Additional Issue. LCRA has agreed to continue to work the TCEQ Austin Region Office to determine the cause of the low percentage recovery for QA samples.

<u>NOV Date</u>	<u>Method</u>
04/13/2012	AREA OF CONCERN
	AREA OF CONCERN

Track No: 463913 Resolution Status Date: 4/12/2012
Violation Start Date: 12/1/2011 Violation End Date: 3/19/2012

30 TAC Chapter 305.125(1)
PERMIT WQ0002105000, Other Requirement 12, page 17
Additional sampling and reporting requirements for Outfalls 002, 003, and 004

Alleged Violation:
Investigation: 995057 Comment Date: 04/12/2012

Failure to collect and analyze samples required by Other Requirement 12. The permit renewal issued on August 30, 2011, required that three Outfalls (002, 003, and 004) shall be sampled when they are first discharged. A discharge occurred at Outfall 002 on November 29, 2011, and a sample was not collected. A discharge occurred at Outfall 003 on March 8, 2012, and a sample was not collected. There has not been a discharge at Outfall 004 since August 30, 2011.

Recommended Corrective Action: Collect, analyze and report samples from Outfalls 002, 003 and 004 according to Other Requirement 12 on page 17 of the permit.

Resolution: On March 15, 2012, the LCRA submitted an action plan to complete the required sampling and reporting. The first sample was collected for Outfall 002 on March 19, 2012, and the first sample was collected for Outfall 003 on March 26, 2012.

Additional Issues

Description ITEM

Additional Comments

Quality Assurance recoveries for chlorine analysis of Outfall 001 show typical ranges of 45% to 65%. The cause of the low chlorine recovery should be determined to verify the accuracy of the amperometric titration determination of chlorine concentrations.

Signed Michael Davis
Environmental Investigator

Date 12-April-2012

Signed [Signature]
Supervisor

Date 04/13/2012

Attachments: (in order of final report submittal)

Enforcement Action Request (EAR)

Letter to Facility (specify type): General

Investigation Report Compliance

Sample Analysis Results

Manifests

NOR

Maps, Plans, Sketches

Photographs

Correspondence from the facility

Other (specify):

Attachment 1 - Areas of Concern
Documentation

Attachment 2 - Additional Issue
Documentation

ATTACHMENT 1

Response to TCEQ review comments listed in their letter *Affected Property Assessment Report (APAR), Phase II, dated September 17, 2010* which were not fully addressed in the subsequent LCRA response letter dated April 27, 2011

Attachment No. 1 – LCRA Response to TCEQ Comments on the Affected Property Assessment Report, dated September 17, 2010, LCRA – Fayette Power Project

TCEQ Response No. 1

*Conclusions and Recommendations Section
Section 1.3 Geology/Hydrogeology*

- 1. p 15 The APAR describes a possible paleo-channel in the Middle Sand that may be a preferential pathway for groundwater flow and COCs. Please include the approximate location of this apparent paleo-channel on a facility map in relation to the waste management units and groundwater monitoring wells.*

LCRA Response (April 27, 2011): The possible existence of a paleo-channel is inferred based on a previously constructed Middle Sand isopach map that indicates a greater Middle Sand thickness near the Cedar Creek Reservoir dam, and an area immediately north of the Reclaim Pond aligned approximately north to south. The presence of such a channel will be further evaluated from the geologic information gained through additional assessment activities, and reported in an APAR Addendum.

Additional LCRA Response (March 2014): Based on the site-wide hydrogeologic database, including additional hydrogeologic evaluation activities conducted in the area of the Combustion Byproducts Landfill (AMEC, December 2013), there is no evidence of a paleo-channel existing within the Middle Sand. Instead, the Middle Sand itself is a paleo-channel deposit. As described in Galloway, et. al (1982), the FPP site lies within an axis of Miocene-age stacked ephemeral stream sands and associated crevasse splay sand over-bank deposits, with the primary inferred drainage axis generally oriented northwest to southeast (see Figure 4). The Middle Sand spans the majority of the site (it is absent toward the south) and, therefore, on a local scale (i.e., site) there does not appear to be channelized flow, and certainly not in the context of preferential COC migration that would possibly escape being detected by the current Middle Sand monitoring well network. Based on this, additional assessment for paleo-channels within the Middle Sand is not warranted.

TCEQ Response No. 2

2. *Figure 1B-Affected Property Map -- Why does the affected property exclude CBL-401 and 138, and C2L-412? These wells have also experienced sampling events with elevated COCs?*

LCRA Response (April 27, 2011): The Affected Property Assessment (APA) was prepared to respond to the Texas Risk Reduction Program's requirements for the closure of the Ash Pond. Consequently, the initial focus of the APA was to determine the source of elevated selenium concentrations in monitoring wells AP-407 (near the Ash Pond) and RP-67 (near the Reclaim Pond). During the course of the groundwater investigation, additional chemicals of concern (COC) were assessed southeast of the closed Coal Ash Pond towards Cedar Creek.

LCRA recently initiated a geologic assessment to prepare for the expansion of the Combustion Byproducts Landfill (CBL). During this assessment, in addition to collecting the required geologic information to support the expansion, LCRA also plans to investigate the possible sources of COCs detected in monitoring wells CBL-401, CBL-138, and C2L-412. These monitoring wells are associated with waste management units located within the Baylor Creek watershed. This new assessment will serve to address the TCEQ's concerns within this area of the plant site while ensuring that the TRRP process for closure of the Ash Pond proceeds in a timely manner. LCRA is proposing to report results from this recently initiated assessment separately from the APA completed for closure of the Ash Pond.

Additional LCRA Response (March 2014):

As part of the Hydrogeologic Evaluation of Combustion Byproducts Landfill (CBL) Area Report (AMEC, December 2013), LCRA investigated the possible sources of COCs detected in monitoring wells CBL-401, CBL-138, and C2L-412. Concurrent with the CBL Area Study, LCRA also conducted an evaluation of the Upper Sand, herein referred to as the Upper Sand Assessment (AMEC, June 25, 2013).

The COCs exceeding PCLs referenced in the TCEQ response are as follows:

- C2L-412 (screened in the Upper Sand): arsenic, having sporadic detections above the groundwater residential and industrial PCL of 10 micrograms per liter (ug/L).
- CBL-138 (screened in the Middle Sand): cobalt, having consistent detections above the cobalt residential groundwater PCL of 7 ug/L, but below the commercial-industrial PCL of 22 ug/L.
- CBL-401 (screened in the Middle Sand): cobalt, having consistent detections above the cobalt residential groundwater PCL of 7 ug/L, but below the commercial-industrial PCL of 22 ug/L.

C2L-412

The Upper Sand Assessment verified that the Upper Sand GWBU is designated a Class 3 GWBU under TRRP. This Class 3 designation was based on the assessment findings, which documented the Upper Sand's limited lateral extent, ephemeral saturation in several areas, and low groundwater yields to wells completed in the Upper Sand. The designation was approved by the TCEQ (TCEQ, September 10, 2013), with the acknowledgement that the potential for any groundwater to surface water pathways are to be evaluated in future site investigations. Despite the fact that the Upper Sand outcrops in numerous areas across the site, no Upper Sand groundwater seeps have been identified. As such, there is no identified groundwater to surface water pathway. Furthermore, the distance from the western margin of the Upper Sand to Baylor Creek is approximately 2600 ft.

Given the Upper Sand's designation as a Class 3 GWBU, the TRRP groundwater PCLs have been revised accordingly for the Upper Sand (Table 5B-2). As such, excluding the outlier result for mercury (monitoring well CBL-307U in April 2012 sampling event), there are no groundwater PCL exceedances for any COC in any well completed in the Upper Sand, including C2L-412.

CBL Monitoring Wells

Prior assessment work documented in the APAR indicated the COC impact to the Middle Sand was the result of one of two scenarios across the FPP facility:

1. Excessive removal of the native clay bottom liner in the Coal Ash Pond through initial construction and later ash removal operations in the Coal Ash Pond, allowing a release of impounded ash pond liquids into the underlying Middle Sand.
2. Faulty annular seals in existing monitoring well RP-67 (subsequently plugged and abandoned, then replaced by RP-67R), allowed for communication of localized perched groundwater with underlying Middle Sand groundwater.

There were no identified sources for elevated cobalt concentrations in the Middle Sand in the CBL area based on a review of current and historic FPP operations. As part of the CBL Area Study, two new monitoring wells were installed adjacent to the CBL-138 location (CBL-300U, screened in the Upper Sand, and CBL-300M screened in the Middle Sand), and a new monitoring well was installed adjacent to the CBL-401 location (CBL-401M, also screened in the Middle Sand).

The study supported the Scenario No. 2 conclusion at CBL-138. Cobalt concentrations in groundwater from CBL-300M are below the TRRP groundwater Residential PCL and are an order of magnitude lower than those in the adjacent CBL-138. This has been demonstrated over eight quarterly sampling events to date (Table 5B-1). It is noted that cobalt concentrations in CBL-300U are roughly double those observed in CBL-138, leading to the conclusion that CBL-138 sampling data is influenced by leakage through the annular seal from the overlying Upper Sand. The CBL-300U cobalt concentrations are below the residential groundwater PCL applicable to the Upper Sand. As such, LCRA has received

approval from TCEQ to modify its groundwater monitoring program to replace CBL-138 with CBL-300M. Existing well CBL-138 has been plugged.

Evaluation of conditions adjacent to CBL-401 are inconclusive at this point. CBL-401M cobalt concentrations are consistent with those observed in CBL-401. Both wells are located up-gradient of the Combustion By-Products Landfill. Over the course of eight quarterly groundwater monitoring events, observed cobalt concentrations in CBL-401M have exceeded the residential groundwater PCL of 7 ug/L five times, and four of those exceedances were by less than 2 ug/L. However, neither well has ever exceeded the Commercial/Industrial groundwater PCL of 22 ug/l.

Regarding monitoring well CBL-401M, we do note a Residential PCL exceedance for Manganese in the January 2012 and April 2012 sampling events. Manganese concentrations have been well below the PCL for the following six sampling events. We also note an outlier result for Thallium in the January 2013 event. Three subsequent sampling events confirm Thallium concentrations below the detection limit.

We have noted other outlier analytical results from certain well samples in the CBL Area. These include the following:

- CBL-301I (October 2012 event): one-time (over 10 sampling events) PCL exceedances observed for the analytes aluminum, cobalt, and lead.
- CBL-302I (July 2013 event): one-time (over 9 sampling events) PCL exceedances observed for the analytes aluminum, cobalt, iron, lead, and manganese.

In both of these cases, an anomalous spike was observed in the aluminum concentrations over prior and subsequent events, and field sampling notes reporting turbid samples, which leads to the conclusion that the anomalous results correlate to the presence of sediment in the samples, and are not truly representative of dissolved concentrations in groundwater. This observed "aluminum spike" was also noted in the CBL-401M samples discussed above where elevated manganese was observed.

Lastly, a one-time (over 8 sampling events) PCL exceedance for cobalt was observed in the April 2013 sampling event for monitoring well CBL-306I (10.9 ug/L).

With the exceptions discussed above, no other cobalt exceedances in the Middle Sand are observed in the entire CBL area, and it is possible the conditions observed are a local background anomaly. LCRA will continue monitoring CBL 401 and downgradient Middle Sand wells as part of our routine monitoring to verify that the cobalt residential groundwater PCL exceedance in CBL-401 is isolated to the small area and that the observed concentrations are attenuating or remain relatively stable.

LCRA will conduct some additional investigation monitoring of CBL-301I and 302I, including analyzing for both total and dissolved metals to confirm our conclusions above.

TCEQ Response No. 3

3. *Figure 1E-2-Regional Cross Section A-A' Well CP-2 is shown to be drilled to the Lower Sand. According to the bore log, it appears that this well was drilled to and screened within the Middle Sand. It also appears that the Middle Sand elevations shown on this cross section are slightly different from what the bore logs appear to show for wells RP-67R and RP-1 (the bore logs seem to indicate that the Middle Sand starts at 324' amsl in RP-67R and at 304.6' amsl in RP-1. Please clarify.*

LCRA Response (April 27, 2011): The geologic cross section incorrectly referenced 'B20,' a 1982 geotechnical assessment boring, as 'CP-2.' The 'B20' information is included to indicate the presence of the Lower Sand water bearing unit. Monitoring well CP-2 is completed in the Middle Sand, and has a similar lithologic section above the Middle Sand to that shown in the B20 lithologic log.

The boring log for RP-67R shows the Middle Sand at approximately 321' MSL when using the approximate ground surface elevation of 353 MSL provided in Table 5D. Likewise, the top of the Middle Sand in RP-1, using the ground surface elevation from Table 5D, is approximately 302' MSL. However, after closer examination, it was determined that several wells were shown incorrectly in Figure 1E-2. A revised and corrected figure is attached (to LCRA's April 27, 2011 response).

Monitoring well RP-1 was installed in 1988 and RP-67R was installed in 2010. The Middle Sand, as logged in RP-1, does not appear to be as well defined as it is in RP-67R. The geologic assessment for the CBL expansion referred to in the response to TCEQ Comment No. 2 will provide additional lithologic information in an effort to determine the continuity (or lack of) and/or changes in the physical characteristics of the sand units from east to west across the FPP property.

Based on additional acquired information, including data from past geotechnical assessments, three additional modifications have been made to Figure 1E-2 as follows:

- A discontinuous intermediate sand body is now shown above the Middle Sand at well location MW-501. This will be further evaluated in forthcoming assessment activities;
- The Lower Sand body does not appear in the DH-136 boring (had been incorrectly included based on a prior cross-section). A copy of the lithologic log has now been obtained, and shows the Lower Sand was not encountered;
- The shallow (less than 15 feet deep) stratigraphy between wells AP-407 and AP-504 has been revised slightly in both Figure 1E-2 and 1E-3 to reflect the greater heterogeneity present in those locations where reworking and fill operations were conducted during facility construction.

Additional LCRA Response (March 2014): The TCEQ concurred with the LCRA's April 27 Response by letter dated July 21, 2011, and no additional updated response is required.

TCEQ Response No. 4

Section 2.4 Receptor Survey Results

4. *It should be noted that the full extent of surface/groundwater contamination has not been determined off-site, and an additional receptors evaluation will be included in the addendum to the APAR to include the results of the additional investigation.*

LCRA Response (April 27, 2011): LCRA agrees. Adjacent landowners have been contacted and LCRA is currently negotiating easement agreements to access the property and complete the assessment.

Additional LCRA Response (March 2014): LCRA finalized the easements with the adjacent landowners in October and November of 2011. After successfully addressing access issues, off-site wells (OS-1 through OS-5) were installed in June of 2012. Furthermore, LCRA installed new on-site monitoring wells MW-512, MW-513, and MW-514, and reinstated AP-405 as a monitoring point. Based upon the sampling of the new wells and existing on-site wells, LCRA has completed additional assessment of the area southeast of the closed Coal Ash Pond (Figures 10 and 11). Each of the groundwater sampling wells mentioned above has subsequently been sampled on a quarterly basis to provide a better understanding of the nature and extent of COCs in Middle Sand groundwater.

In addition, the LCRA has completed a Screening-Level Ecological Risk Assessment (SLERA) (see Formation Environmental, July 2013, Revised February 2014) to assess both surface water and sediment data in Cedar Creek, located immediately adjacent to the closed Coal Ash Pond in the path of Middle Sand groundwater transport. Cedar Creek is continuously fed by a flow (approximately 224 gallons per minute) from the Cedar Creek Reservoir, with an additional approximate 15 gallons per minute released by the Reservoir dam toe-drain system. The SLERA was conducted at both on-site and off-site locations to assess concerns regarding potential ecological receptors.

Cedar Creek Reservoir undergoes seasonal thermal stratification and behaves as a dimictic lake, with two natural mixing events per year. As such, SLERA sediment and surface water sampling activities were conducted in two events, October and December of 2012, corresponding to periods of natural reservoir stratification and mixing respectively.

Key findings from the additional groundwater assessment and the SLERA are as follows:

- The Middle Sand GWBU is present at each of the new well locations. Its upper surface is either in direct contact or very close contact with the Cedar Creek drainage channel (Figure 12).
- Groundwater flow within the Middle Sand is strongly influenced by Cedar Creek. Cedar Creek serves as a gaining stream, and coincides with the lowest potentiometric surface elevation observed in the Middle Sand (Figure 11). As such, the net Middle Sand groundwater flow path is toward Cedar Creek.

- The COCs in the Cedar Creek area are cobalt, manganese, and molybdenum, consistent with earlier findings presented in the APAR. Both cobalt and molybdenum groundwater ingestion PCL exceedances are observed in new monitoring well MW-512, immediately adjacent to the east bank of Cedar Creek, on FPP property.
- Manganese groundwater ingestion PCL exceedances are only consistently observed in on-site monitoring well MW-510. The manganese groundwater PCL exceedance has not been observed in any of the off-site wells, and only sporadically in any of the other on-site wells (Figure 15).
- Only cobalt PCL exceedances are consistently observed off-site, and only in the well in closest proximity to the closed Coal Ash Pond, OS-1. Molybdenum PCL exceedances have not been observed in the off-site wells.
- The cobalt PCLE Zone extends approximately 250 feet off-site, along the western side of Cedar Creek (Figure 14). The molybdenum PCLE zone is present only on the FPP property (Figure 16).
- The groundwater results obtained from the seven sampling events conducted to date in off-site well monitoring events appear to demonstrate a stable plume configuration for cobalt, manganese, and molybdenum. The COC attenuation mechanisms are a combination of groundwater dilution and re-precipitation of metals with gradual attainment of natural redox conditions. The attenuation mechanism will be further discussed in the forthcoming Response Action Plan.
- Cobalt concentrations have fallen below the PCL in monitoring well AP-406, beginning with the April 2012 quarterly monitoring event. This may be a result of perimeter leachate collection system modifications conducted for the closed Coal Ash Pond embankment as part of the pond closure.
- The SLERA confirmed that although groundwater seepage into Cedar Creek does increase surface water concentrations of several COCs, the concentrations in surface water and sediments do not pose a risk to Cedar Creek ecological receptors. Surface water COC concentrations are also below human health PCLs and applicable RBELs (see Table 12B, Table 12D, and Appendix 6).
- Analysis of groundwater samples in groundwater monitoring wells serving as Point of Exposure wells at the groundwater-to-surface water interface (AP-6, AP-406, AP-510, AP-511, AP-512, OS-1, and OS-3) shows sporadic exceedances of the groundwater-to-surface water PCLs for aluminum, iron, and manganese as follows:

Aluminum

- AP-510 [one event (July 2011) out of nine events].
- AP-511 [two events (October 2010 and April 2011) out of nine events].
- OS-1 [two events (June 2012 and January 2013) out of seven events].
- OS-3 [one event (September 2012) out of seven events].

It is recognized that turbidity may have affected sampling data quality, particularly with respect to metals. As such, LCRA also conducted groundwater sample field filtration, using the approved 10-micron filter media, for the April 2013 samples collected from off-site wells OS-1 through OS-5. The filtered groundwater sample data is further discussed below.

Table 12F-1 and Table 12F-2 have been prepared to further evaluate aluminum as a COC. Table 12F-1 shows a comparison of aluminum concentrations between background wells (here defined as wells not hydraulically downgradient of groundwater released from the closed Coal Ash Pond), wells downgradient of the closed Coal Ash Pond, and CAP-1 (installed in the closed Coal Ash Pond). Additional analytes considered pertinent as Ash Pond release indicators are also included. These analytes are cobalt and molybdenum (considered the COCs requiring further response action), and sulfate (considered the Ash Pond release tracer compound).

Monitoring wells AP-513, AP-514, OS-4, and OS-5 are considered background wells in the closed Coal Ash Pond area, since they occur on the opposite side of Cedar Creek and are isolated from the closed Coal Ash Pond release based on potentiometric surface measurements (see Figure 11), and observed sulfate concentrations. Note, sulfate levels in facility background well MW-500 are consistently below 530 mg/L, and sulfate levels in AP-513, AP-514, OS-4, and OS-5 are consistently below 200 mg/L.

Wells affected by closed Coal Ash Pond release (AP-405, AP-406, AP-509, AP-510, AP-511, AP-512, OS-1, OS-2, and OS-3) consistently show sulfate levels above 530 mg/L. Samples from monitoring well AP-6, though downgradient of the closed Coal Ash Pond, and formerly showing elevated sulfate concentrations, now show a downward trend from the 701 mg/L result detected in January 2012.

Table 12F-2 shows the mean aluminum concentrations in groundwater samples collected from background wells, and background well MW-500, in comparison to mean aluminum concentrations from wells affected by closed Coal Ash Pond release. As a conservative measure; non-detects were assigned the detection limit concentration; where duplicate samples were collected, only the higher concentration results are used; and AP-6 data was excluded from the "Affected Wells" data, as indicator COCs are not obviously elevated with respect to background wells. Two comparisons are provided, one for unfiltered sample data, and one for filtered sample data from the April 2013 sampling event.

The unfiltered sample data comparison shows no correlation between aluminum concentrations in background groundwater (mean aluminum concentration of 3.22 mg/L), and Ash Pond-affected groundwater (mean aluminum concentration of 1.24 mg/L). In fact, AP-512, the well expected to be most affected by Ash Pond release based on sulfate, cobalt, and molybdenum data, shows no aluminum PCL exceedances, and the mean concentration for aluminum, analyzed for 6 sampling events, is 0.31 mg/L.

The filtered data shows no aluminum PCL exceedances, and the data comparison again shows no correlation between aluminum concentrations in background groundwater (mean concentration of 0.65 mg/L) and closed Ash Pond release-affected groundwater (mean concentration of 0.14 mg/L).

Based on these findings, the LCRA does not consider aluminum to be a COC requiring a further response action.

Iron

One groundwater-to-surface water PCL exceedance was observed in OS-3 over the seven sampling events conducted to date. The observed exceedance is considered an outlier, and observed only in the first sampling event, which was conducted in September 2012. No groundwater-to-surface water exceedances have been observed since. Based on these findings, the LCRA does not consider iron to be a COC requiring a further response action.

Manganese

Four groundwater-to-surface water PCL exceedances were observed in AP-510 over ten sampling events conducted to date, although no exceedances have been observed since July 2012. This may be a result of improved groundwater conditions observed following closed Coal Ash Pond perimeter leachate collection system modifications. Manganese concentrations in AP-510 do, however, exceed the groundwater ingestion PCL in nine of the ten sampling events conducted to date.

No additional assessment activities are proposed beyond the implementation of a groundwater monitoring program to document COC attenuation and plume stability, and verification of improved conditions. The target analytes for this evaluation are proposed as follows:

- Cobalt
- Manganese
- Molybdenum
- Sulfate (for use as a closed Coal Ash Pond plume tracer)

This approach will be detailed in a forthcoming Response Action Plan.

TCEQ Response No. 5

Section 2.6 Exposure Pathways

5. *Because there was a break in the toe drain pipe near the sump on the eastern side of the ash pond that Field Office inspected, and because the unnamed tributary in the vicinity of that leak is elevated in several of the metals tested, it seems that the facility will need to expand their APAR to include the surface water assessment and a soil assessment in the vicinity of that break. Additionally, a seep called Cedar Creek Seep apparently is coming from the vicinity of the ash pond and the metals found in this seep (described in Table 6B) are elevated. The facility will need to investigate the soils and surface water near this seep.*

LCRA Response (April 27, 2011): LCRA agrees. The planned supplemental APA for the Ash Pond closure will include the surface water assessment and a soil assessment in the vicinity of the toe drain pipe break and Cedar Creek Seep.

Additional LCRA Response (March 2014): As part of LCRA's Coal Ash Pond closure operations, repairs were implemented to the closed Coal Ash Pond embankment's perimeter leachate collection system, which included the repair of the above-mentioned pipe. As part of that repair, soil samples were collected and analyzed for the key COCs in this area, cobalt and molybdenum. The analytical results are summarized in the attached Table 4A. The cobalt and molybdenum concentrations are below the applicable PCLs for soils and sediments, and surface water concentrations are below applicable RBELs. The groundwater-surface water pathway assessment is further detailed in Section 6.0, with supporting information provided in Appendix 6.

Surface water and sediment samples have been collected as part of the SLERA, (Cedar Creek Seep data is also included in Table 12E-2), and it was determined concentrations of COCs do not pose a risk to Cedar Creek ecological receptors.

TCEQ Response No. 6

Section 5 Groundwater Assessment

6. *There is some confusion regarding the emplacement of monitoring well CP-2. Figure 1E-2 Cross Section A-A' depicts CP-2 extending from ground surface to the lower sand approximately 140 ft deep with no depiction of the screened interval. Section 5.2 Coal Piles states CP-2 was completed in the middle sand, which, according to the above mentioned cross section, would be approximately 90 ft deep. The Log of Well in Appendix 2 shows the well completed to a depth of 62.5 feet, screen from 40-55ft. The State of Texas Well Report in Appendix 6 states a total depth of 65 ft. and gravel packed from 53-65 ft. Please resolve these differences.*

LCRA Response (April 27, 2011): Monitoring well CP-2 was completed within the Middle Sand. As discussed above, the well lithology shown in the Figure 1E-2 cross section is from prior geotechnical boring B20, and not from CP-2. Monitoring well CP-2 was drilled to a depth of 62.5 feet as shown on both the well log and State of Texas Well Report for well CP-2. The State of Texas Well Report for CP-2 correctly shows the gravel pack from 38-55 feet. A revised Figure 1E-2 is attached.

It is possible that TCEQ may have been viewing the State of Texas Well Report for Well RP-72 instead of CP-2. The State of Texas Well Report for Well RP-72 states a total depth of 65 feet and gravel packed from 53-65 feet.

Additional LCRA Response (March 2014): The TCEQ concurred with the LCRA's April 27 Response by letter dated July 21, 2011, and no additional updated response is required.

TCEQ Response No. 7

7. Section 5.2 - This section discusses the nature and extent of selenium contamination. However, Table 5B documents various metal contaminants in CP-2S. No mention is made of these constituents in the narrative portion of the report. The report states that it focuses on selenium. It should be noted that a complete APAR should be submitted that will consider the documentation of other contaminants, not a single contaminant. The last sentence states that the Supplemental APAR activities will evaluate the full nature and extent of COCs documented in groundwater and seep water southeast and east of the Ash Pond and will include performance of a SLERA. It should be noted that groundwater contamination in the vicinity of the Reclaim Pond and Coal Piles should be fully documented.

LCRA Response (April 27, 2011): LCRA agrees. We plan to address the COCs in CP-2S in the Supplemental APA for the Ash Pond. Also, as stated in LCRA's response to TCEQ Comment No. 2, LCRA plans to investigate the possible sources of COCs detected in monitoring wells CBL-401, CBL-138, and C2L-412.

Additional LCRA Response (February 2014): Groundwater present in CP-2S appears to be associated with saturated soils in hydraulic communication with reworked Upper Sand groundwater-bearing media, fill material, and naturally present clayey strata. In a letter dated September 10, 2013, TCEQ approved the site-wide classification of the Upper Sand as a Class 3 groundwater resource and thus Class 3 groundwater PCLs are used as the regulatory thresholds for groundwater. As such, data from analysis of CP-2S groundwater samples are now compared to the Class 3 PCLs, and no PCL exceedances are observed (see Table 5B-2). Therefore, we will no longer sample CP-2S.

For monitoring wells CBL-401, CBL-138, and C2L-412, please refer to the discussion provided in Response No.2.

TCEQ Response No. 8

8. *Figure 5B--Selenium Groundwater PCLE Zone Map - As part of the Response Action Plan (RAP), please include a plan for quarterly sampling of groundwater from monitoring wells in this area so as to allow for the determination of plume configuration (growth, shrinkage, movement) of the Selenium PCLE zone.*

LCRA Response (April 27, 2011): The Response Action Plan will include a plan for monitoring the Selenium Groundwater PCLE Zone to determine plume configuration.

Additional LCRA Response (March 2014): The LCRA continues to conduct groundwater monitoring across the FPP site, including the area of identified selenium PCL exceedance in the Middle Sand. Analytical results (Table 5B-1) continue to show a stable selenium PCLE plume configuration (Figure 17). Monitoring well AP-407 continues to be the only monitoring well in the Middle Sand having concentrations exceeding the PCL for selenium. Monitoring well CAP-1, screened within the saturated closed Coal Ash Pond media (the source area), has been sampled over several events, and is the only other well having samples with selenium concentrations above the PCL for selenium.

The LCRA proposes to continue monitoring the selenium Groundwater PCLE Zone to verify that concentrations are stable as part of the forthcoming Response Action Plan.

TCEQ Response No. 9

9. *The potentiometric surface may intersect the ground surface in the unnamed drainage near AP-502 and RP-67R. LCRA should investigate for any seeps and do some grab samples just to determine if metals are present in the Middle Sand in that location.*

LCRA Response (April 27, 2011): LCRA agrees. The Supplemental APA activities will include an investigation for seeps. If found, grab samples will be collected.

Additional LCRA Response (March 2014): As part of general site operations reconnaissance, the LCRA has routinely conducted a visual assessment of the referenced area (Figure 13). There have been no observations of groundwater seepage at this location. It is also noted that the referenced area is outside of any Identified PCLE Zones. Therefore, we do not propose any further actions to identify seeps in this area.

TCEQ Response No. 10

10. LCRA should conduct field investigations on the western edge of the facility to look for seeps from the Upper Sands that the Class II Landfill wells are completed within. C2L-412 exceeds the TRRP PCL for Class I residential groundwater for arsenic, and molybdenum. If there are seeps, LCRA needs to evaluate the potential for surface water and soil impacts.

LCRA Response (April 27, 2011): LCRA agrees. The investigation for seeps is included in the scope of the geologic assessment for the CBL expansion.

Additional LCRA Response (March 2014): LCRA has completed the *Site-wide Class 3 Designation for the Upper Sand Groundwater-Bearing Unit, Fayette Power Project, La Grange, Texas*, AMEC, June 25, 2013 and the *Hydrogeologic Evaluation of the Combustion Byproducts Landfill Area*, AMEC, December 20, 2013. The reports concluded that the Upper Sand has limited lateral extent and no Upper Sand seeps were identified. In a letter dated September 10, 2013, TCEQ approved the site-wide classification of the upper sand as a Class 3 groundwater resource. The Upper Sand extent is shown in Figure 3. TCEQ approval of the findings from the *Hydrogeologic Evaluation of the Combustion Byproducts Area* report was received by letter dated March 12, 2014.

LCRA sampled the "Biegal Pond" and the "Employee Park Pond," which are down-slope from the Class 2 landfill, for the metals arsenic and molybdenum (Figure 13, data summarized in Table 12E-1). Analyses of these samples show no exceedances of applicable PCLs. These ponds are suspected to be sourced from Middle Sand discharge.

LCRA has identified four ephemeral seeps in the western portion of the facility (see Figure 13), consisting of the following:

- Production Engineering Seep – ephemeral seep from reworked fill materials. No sustained releases to surface drainage channels are observed, and released water does not leave the facility operations area. This seep is located more than 3600 feet east of Baylor Creek.
- Waste Storage Building Seep- ephemeral seep from reworked fill materials. No sustained release to surface drainage channels is observed, and released water does not leave the facility operations area. This seep is located more than 3600 feet east of Baylor Creek.
- Catch Basin (Culvert) Seep-ephemeral seep believed to originate from a French drain system constructed in association with the FPP Vehicle Maintenance Shop.
- Construction Debris Landfill (CDL) Seep- ephemeral seep believed to be in hydraulic communication with the Middle Sand. The seep drains into an ephemeral tributary of Baylor Creek, located approximately 1600 feet to the west.

LCRA has conducted sampling of these seeps on multiple occasions. Table 12E-3 summarizes the analytical data from samples collected at these seeps beginning in 2007. The Production Engineering Seep, Waste Storage Building Seep, and Culvert Seeps have been evaluated for metals. Given the status of non- release to ecological receptors, and the expected hydraulic communication between fill materials and the Upper Sand, analytical results were compared to the Upper Sand-specific PCLs. There have been no applicable PCL exceedances.

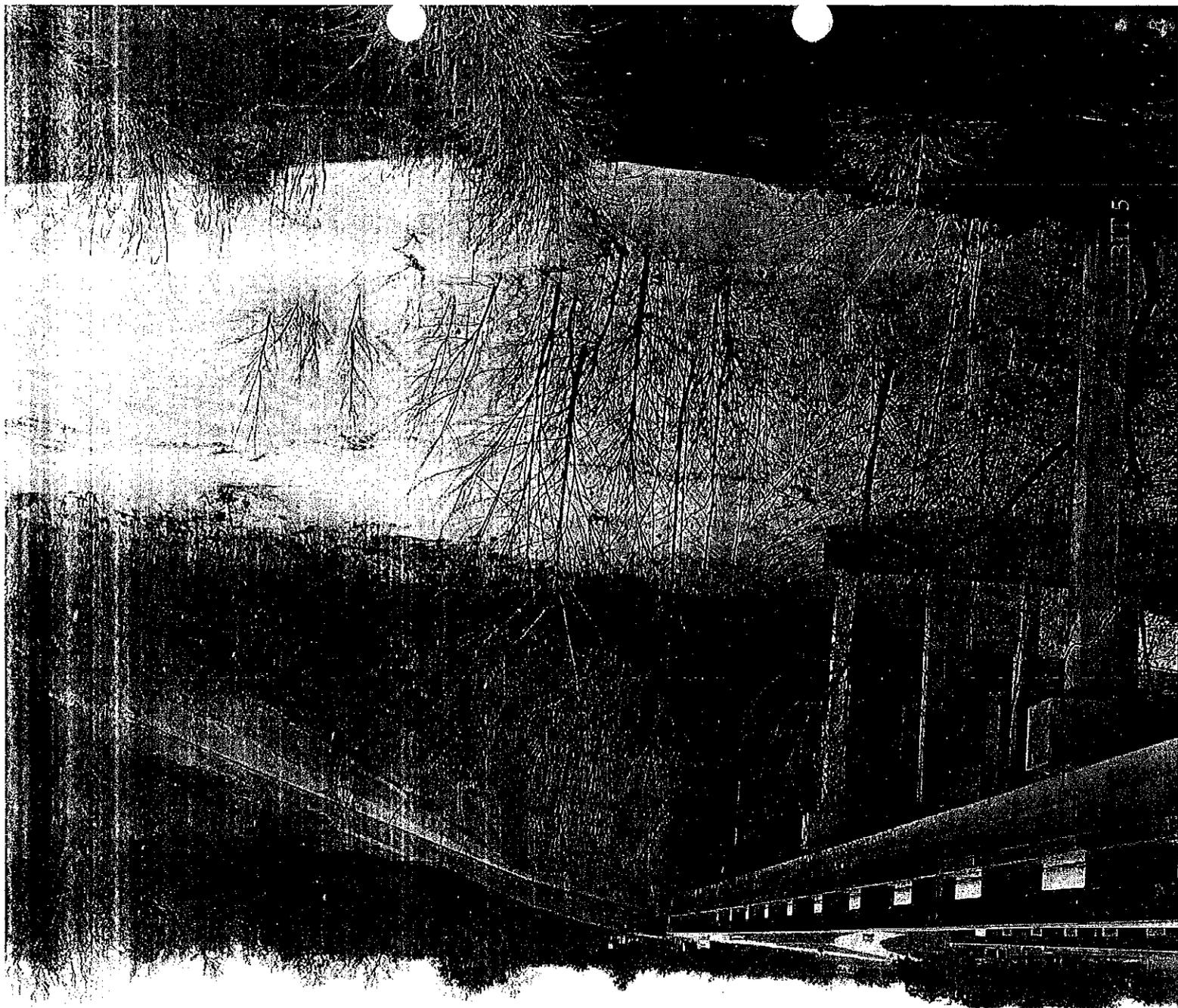
The CDL Seep has been evaluated routinely since the 1990s for multiple analytical suites, including metals, Total Petroleum Hydrocarbons (TPH), volatile organic compounds, semivolatile organic compounds, Polychlorinated Biphenyls, Pesticides, and Herbicides. There have been no indications of environmental impact. As such, LCRA has not identified any surface water or soil impacts from any seep in the western portion of FPP and has discontinued seep monitoring.

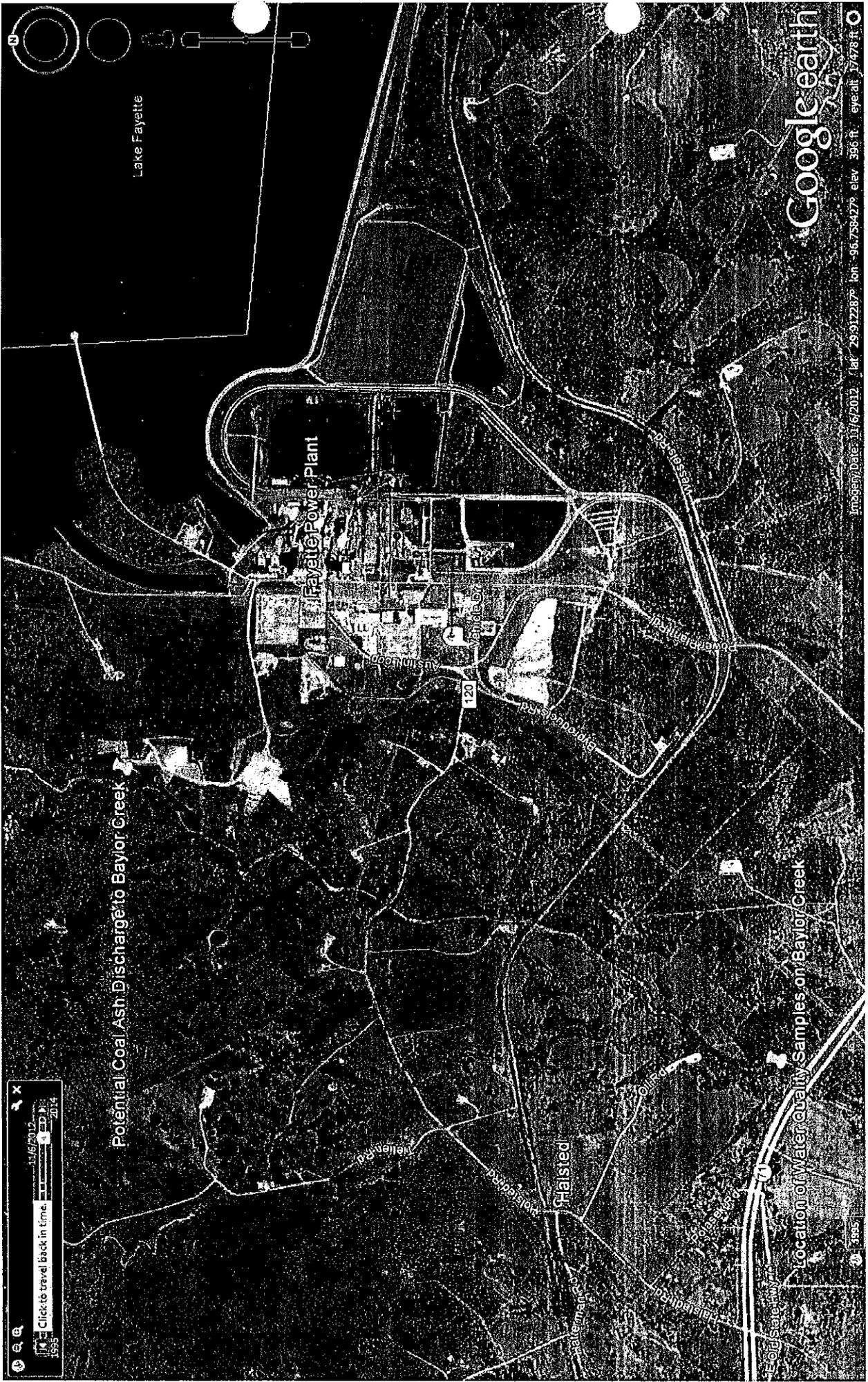
TCEQ Response No. 11

11. CBL-401 and 138 have had cobalt concentrations above the TRRP PCL for Class I residential groundwater. Please determine the source and extent of cobalt concentrations in the area around these wells.

LCRA Response (April 27, 2011): The scope of the geologic assessment for the CBL expansion includes the evaluation of COCs in groundwater, including COC source and extent.

Additional LCRA Response (March 2014): Please refer to the discussion provided in Response No. 2.





Map data ©2012 Google, Imagery ©2012 Google, Date: 11/6/2012, Lat: 29.912287° elev: 396 ft, eye alt: 17478 ft

EXHIBIT 6

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, April 09, 2015 4:53 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0002105000
Attachments: Sierra Club Comments Re Fayette TPDES Permit WQ0002105000 with Exhibits.pdf

From: joshua.smith@sierraclub.org [<mailto:joshua.smith@sierraclub.org>]
Sent: Thursday, April 09, 2015 4:35 PM
To: DoNot Reply
Subject: Public comment on Permit Number WQ0002105000

*LWD
9/30/75*

REGULATED ENTY NAME LCRA SAM SEYMOUR FAYETTE POWER PROJECT

RN NUMBER: RN100226844

PERMIT NUMBER: WQ0002105000

DOCKET NUMBER:

COUNTY: FAYETTE

PRINCIPAL NAME: LOWER COLORADO RIVER AUTHORITY

CN NUMBER: CN600253637

FROM

NAME: Joshua Smith

E-MAIL: joshua.smith@sierraclub.org

COMPANY: Sierra Club

ADDRESS: 85 2ND ST Second Floor
SAN FRANCISCO CA 94105-3459

PHONE: 4159775560

FAX: 4159775793

COMMENTS: On behalf of Sierra Club, please accept the attached Comments on the Notice of Application and Preliminary Decision for TPDES Permit No. WQ0002105000 for the Discharge of Pollutants into the Nueces River Basin from the Sam Seymour Electric Station (Fayette Power Plant).

MW



April 9, 2015

Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www14.tceq.texas.gov/epic/eComment/>

Via Electronic Filing

Re: Comments on Notice of Application and Preliminary Decision for TPDES Permit No. WQ0002105000 for the Discharge of Pollutants into the Nueces River Basin from the Sam Seymour Electric Station (Fayette Power Plant)

On February 27, 2015, the Texas Commission on Environmental Quality ("TCEQ") issued a Notice of Application and Preliminary Decision to renew Permit No. WQ0002105000, which would authorize the Sam Seymour Electric Station (Fayette Power Plant) to discharge numerous waste streams to Cedar Creek and the Colorado River Basin. Sierra Club offers the following comments regarding the Application and Draft Permit.

Sierra Club's interests in the permit and proceeding are clearly germane to the organization's purposes. 30 TEX. ADMIN CODE §55.205 (a)(2). Founded in 1892 by John Muir, Sierra Club is the Nation's oldest and largest grassroots environmental organization, with more than 625,000 members nationwide and nearly 23,000 members in Texas dedicated to exploring, enjoying, and protecting the wild places and resources of the earth; practicing and promoting the responsible use of the earth's ecosystems and resources; educating and enlisting humanity to protect and restore the quality of the natural and human environment; and using all lawful means to carry out these objectives. To further those goals, Sierra Club and its members have a significant interest in ensuring that any wastewater permit issued to the Fayette power plant ensures protection of fish, wildlife, and ecosystems of Cedar Creek and the Colorado River Basin, as well as the health of Sierra Club's members who use and enjoy those waters. Sierra Club has a significant interest in ensuring that the Fayette Power Plant's Texas Pollution Discharge Elimination System ("TPDES") permit complies with all applicable statutory and regulatory requirements, which are created to protect human health and the environment.

In addition to comments set forth below, we reserve the right to rely on all public comments submitted relating to this Draft Permit and Application, including Sierra Club's September 15, 2014 comments, which we incorporate by reference. Additionally, we reserve the right to request a contested case hearing or reconsideration of any decision of the Executive Director. If the permit is amended or altered in response to comments, we request an opportunity to review and comment on any amended permit.

Introduction

Each day across the United States, coal-fired power plants like the Fayette Power Plant discharge millions of gallons of industrial wastewater contaminated with toxic pollutants like arsenic, boron, cadmium, chromium, lead, mercury, copper, nickel, and selenium into the rivers, lakes, and streams of the United States. This pollution is discharged directly from plants; flows from old, unlined surface impoundments that many plants use to store toxic slurries of coal ash and sludge; and seeps from unlined ponds and landfills into ground and surface waters. The U.S. Environmental Protection Agency (“EPA”) estimates that at least 5.5 billion pounds of pollution are released into the environment by coal-fired power plants every year.¹ These power plants are responsible for at least 50 to 60 percent of the toxic pollutants discharged in waters of the United States—more than the next nine top polluting industries combined.²

Coal plant water pollution has serious public health consequences and causes lasting harm. Coal combustion waste (*i.e.* coal ash) wastewaters contain a slew of toxic pollutants that can be harmful to humans and aquatic life in even small doses. Due to the bio-accumulative nature of many of these toxins, this pollution persists in the environment and poses a risk to public health, and even short-term exposure can result in long-term damage to aquatic ecosystems. According to EPA, power plant pollution has caused over 160 water bodies not to meet state water quality standards, prompted government agencies to issue fish consumption advisories for 185 waters, and degraded 399 water bodies across the country that serve as public drinking water supplies.³ EPA has concluded that coal combustion wastes, such as the fly and bottom ash wastewater, which the Fayette Power Plant discharges to the Colorado River Basin are likely to contain numerous highly toxic and bioaccumulative pollutants, such as arsenic, boron, cadmium, chromium, lead, mercury, copper, nickel, and selenium. Moreover, these pollutants are often not fully removed using sedimentation or settling methods employed at the Fayette Power Plant.

In June 2013, EPA identified the coal ash disposal units at the Fayette Power Plant as a “potential damage case,”⁴ which means that an exceedance of a primary MCL or health based standards has been documented “directly beneath or in very close proximity” to a coal ash dump.⁵ Groundwater near the coal ash ponds and a landfill at the Fayette Plant contains levels of arsenic, selenium, cobalt, and molybdenum exceeding Texas Protective Contamination Levels

¹ U.S. EPA, Environmental Assessment of the Proposed Effluent Limitation Guidelines and Standards for the Steam Electric Power Generating Point Source Category 3-14, Docket No. EPA-HQ-OW-2009-0819-2260 (Apr. 2013).

² *Id.* at 3-13.

³ <http://water.epa.gov/scitech/wastetech/guide/steam-electric/proposed.cfm>.

⁴ EPA, Final Determination of Identified Proven Damage and Recently Alleged Damage Cases, [DCN SE01966], Docket No. EPA-HQ-OW-2009-0819-2212.

⁵ *Id.*

(PCLs) and federal Maximum Contaminant Levels (MCLs).⁶ Selenium levels have reached more than 4 times the PCL and MCL, cobalt levels have reached more than 3 times the PCL, and molybdenum has exceeded the federal Life-time Health Advisory by nearly 4 times and exceeded the PCL in water downgradient or crossgradient of ash disposal areas.⁷ Aluminum, chloride, manganese, sulfate and total dissolved solids exceed federal secondary MCLs.⁸ Many of these exceedences have been detected in groundwater in the Middle Sand Unit, which LCRA acknowledges to be in communication with the Cedar Creek Reservoir,” and that contaminated groundwater “could migrate beyond the boundaries of the [Fayette Power Plant] property.”⁹ In short, pollution discharged via outfalls and from the Fayette Plant’s leaking coal ash dumps could potentially impact water quality in the Cedar Creek Reservoir, Cedar Creek, and other downstream waters, as well as nearby residential drinking water wells.¹⁰

Even more troubling, LCRA has detected seeps at its coal ash landfill that are directly discharging into Cedar Creek.¹¹ Yet, LCRA’s application and the draft permit fail to address (or even mention) those discharges. As a result, the Fayette Power Plant TPDES renewal application and draft permit fail to comply with the federal Clean Water Act (“CWA”). TCEQ must, at a minimum, amend the permit to address this unpermitted discharge and ensure that LCRA adopts safeguards to protect against routine and dangerous seeps from the Fayette Power Plant ash landfill to Cedar Creek.

Moreover, as discussed in detail below, in March 2015, Baylor Creek, which runs west of the Fayette Power Plant, experienced a significant pollution event that caused the entire creek to turn a creamy buttermilk-like color. Water samples conducted by Sierra Club members and volunteers confirmed extremely high levels of aluminum, arsenic, sulfate, calcium, iron, copper, and lead.¹² Although these pollutants are often associated with coal ash waste, the Fayette TPDES permit does not specifically permit any discharge to Baylor Creek. Instead, the power plant’s discharges to Baylor Creek appear to be governed by TCEQ’s Multi Sector General Permit. As discussed below, however, TCEQ must inspect this potential discharge and ensure that the Fayette Power Plant is utilizing best management practices to protect water quality in Baylor Creek and the Colorado River Basin. Given the scope and nature of the March 2015 exceedence in Baylor Creek, TCEQ should require LCRA to amend its individual TPDES permit application if the agency concludes that the Fayette stormwater discharges to Baylor Creek are causing or contributing to violations of water quality standards.

⁶ Annual Groundwater Monitoring Report: 2009 Data Summary submitted by Lower Colorado River Authority to the Texas Commission on Environmental Quality (May 2010).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 3.

¹⁰ *Id.*

¹¹ TCEQ, Investigation Report, Lower Colorado River Authority, CN600253637, Investigation No. 995057

¹² See Ex. 1 (Apr. 2, 2015 Caliber Analytical Servs. Certificate of Analysis)

Sierra Club has several additional serious concerns with the Lower Colorado River Authority's ("LCRA") Application and the draft permit, including:

1. The Draft Permit fails to include technology-based effluent limitations for numerous pollutants present in the Fayette power plant's coal combustion waste and impoundment waters.
2. In 2011, LCRA installed flue gas desulfurization ("FGD") equipment for the control of sulfur dioxide ("SO₂"). The operation of this equipment may affect the nature of the facility's wastewater discharges. Indeed, the March 2015 water quality samples taken from Baylor Creek show extremely high levels of calcium, arsenic, chromium, copper, lead, iron, magnesium, zinc, and vanadium, all of which are common byproduct of FGD operations.¹³ Yet the facility has submitted no analytical data concerning the impact of additional FGD wastewater, nor has TCEQ undertaken an independent assessment of whether increased operation of the FGD system will result in degradation of the receiving waters or require additional effluent limits or monitoring.
3. On a related note, TCEQ should include monitoring requirements for bromide. While not directly toxic, bromide discharges from FGD waste have been associated with the formation of dangerous disinfection byproducts in downstream public drinking water systems.
4. For the Fayette cooling water intake structure, the Draft Permit fails to comply with the requirements of Clean Water Act §316(b), which requires that cooling water intake structures reflect the best technology available for minimizing adverse environmental impacts.
5. TCEQ has not properly considered the full impact of the permitted activity on the endangered Houston Toad because it does not know the total mass of lead discharged on a monthly basis, and has not evaluated the impacts of other toxic, bioaccumulative pollutants contained in the coal combustion wastewater discharged to the Mississippi River.

¹³ EPA, Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities at 27, EPA Docket No. EPA-HQ-RCRA-2009-0640 (Dec. 19, 2014) (Prepublication Copy) (to be codified at 40 C.F.R. Parts 257 and 261), *available at* http://www2.epa.gov/sites/production/files/2014-12/documents/ccr_finalrule_prepub.pdf [hereinafter "CCR Rule"] (noting that the "constituents of most environmental concern in [coal combustion residual material] are metals, such as antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, nickel, selenium, silver and thallium); *see also* EPA, Air Pollution Control Technology Fact Sheet, Flue Gas Desulfurization (FGD) – Wet, Spray Dry, and Dry Scrubbers, EPA-452/F-03-034, *available at* <http://www.epa.gov/ttnecatc1/dir1/ffdg.pdf>; Higgins et al., Flue Gas Desulfurization Wastewater Treatment Primer at 4 ((Mar. 1, 2009), *available at* <http://www.epa.gov/region1/npdes/merrimackstation/pdfs/ar/AR-119.pdf>

Before issuing a final permit, TCEQ must address each of these errors in the Draft Permit, discussed in detail below, to ensure that the final permit complies with the Clean Water Act and the Texas Water Code, and is sufficiently protective of human health and the environment.

I. The Permit Does Not Adequately Address All Discharges Associated with the Coal Ash Landfill and Impoundments.

TCEQ must assess whether the Fayette Power Plant is discharging pollution from its coal combustion waste landfill and impoundments without a permit. According to the Application, LCRA claims that it does not discharge wastewater from its three wet limestone flue gas desulfurization (“FGD”) controls and fly and bottom ash handling systems.¹⁴ With respect to the FGD controls, LCRA operates a dewatering system that separates wastewater and solids from the spent limestone slurry.¹⁵ Solids are either sold or disposed of at the on-site coal combustion waste landfill, while the wastewater is sent to Reclaim Pond and other holding tanks so that it may be recycled in the FGD system.¹⁶ Although the current permit prohibits “direct” discharge of wastewater from the Reclaim Pond to waters of the State, the permit authorizes discharges from the Reclaim Pond to the Coal Pile Runoff Pond, which discharges via Outfall 003 to a tributary of Cedar Creek or Outfall 301 to the Cedar Creek Reservoir.¹⁷ Thus, LCRA may ultimately discharge FGD wastewaters to waters of the State via the Coal Pile Runoff Pond.

Similarly, the permit prohibits discharges of fly and bottom ash transport water to waters of the State.¹⁸ Yet LCRA is authorized to transfer bottom and fly ash transport water from the closed Ash Pond to the Reclaim Pond and Coal Pile Runoff Pond, which discharges to a tributary of Cedar Creek or the Cedar Creek Reservoir.¹⁹ LCRA is also permitted to discharge leachate from the coal combustion waste landfill, which collects in the Combustion Byproducts Landfill Pond, from Outfall 004 to a tributary of Cedar Creek or to the Reclaim Pond and Coal Pile Runoff Pond, which discharges to a tributary of Cedar Creek or the Cedar Creek Reservoir.²⁰ TCEQ must assess these discharges and establish best available technology limits for the discharge of FGD and coal ash waste water to protect the receiving waters.

In addition to the coal combustion waste leachate and wastewaters discharged from the Coal Pile Runoff Pond and Combustion Byproducts Landfill Pond to tributaries of Cedar Creek and the Cedar Creek Reservoir, it is clear that the coal ash disposal units are leaking into

¹⁴ Application, Attachment FPP-TECH 1:WW Generation.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Draft Permit at 17.

¹⁸ *Id.* at 15.

¹⁹ *Id.* at 17.

²⁰ *Id.*

groundwater that has a direct connection to Cedar Creek Reservoir.²¹ Indeed, LCRA has acknowledged seeps at its coal ash landfill that are directly discharging into Cedar Creek.²² Yet LCRA's application and the draft permit fail to address (or even mention) those discharges. That LCRA has developed a remediation plan under RCRA does not relieve TCEQ or LCRA of the obligation to comply with Clean Water Act's prohibition against unpermitted discharges. TCEQ must, at a minimum, amend the permit to address these discharges and ensure that LCRA adopts safeguards to protect against routine and dangerous seeps from the Fayette Power Plant ash landfill to Cedar Creek.

Further, the Draft Permit fails to examine whether there are additional unpermitted discharges from the coal ash impoundments at Fayette. According to the Application, none of the LCRA waste disposal units are lined with a protective composite liner.²³ As noted, EPA identified the Fayette Power Plant as a "potential damage case" in 2013 because concentrations of toxic pollutants in groundwater monitoring wells exceed federal drinking water standards.²⁴ LCRA's own monitoring data reveal exceedances of federal and state health based drinking water standards for arsenic, selenium, cobalt, and molybdenum.²⁵ That monitoring data makes clear that LCRA is discharging leachate from leaking coal combustion waste disposal units into groundwater that has a direct connection to drinking water resources. It is possible, even likely, that the Fayette landfill is discharging to ground and surface waters at locations in addition to the identified seep.

Discharges of leachate from the coal ash impoundments to surface waters and/or groundwater with a hydrogeological connection to surface water without a permit are prohibited by the Clean Water Act.²⁶ Discharges to groundwater with a direct hydrogeological connection

²¹ See, e.g., Annual Groundwater Monitoring Report: 2009 Data Summary submitted by Lower Colorado River Authority to the Texas Commission on Environmental Quality (May 2010).

²² *Id.*; see also Letter from Beckie Loeve, Env'tl. Supervisor, LCRA-Fayette Power Project, to April Hoh, Water Quality Assessment Team, Texas Council on Environmental Quality (May 7, 2010) (Ex. 2); TCEQ, Investigation Report, CN600253637, Investigation No. 995057 at p.2-3 (Apr. 12, 2012) (noting seep from coal ash pond to Cedar Creek) (Ex. 3); LCRA, 2010 Affected Property Assessment Report (APAR) for the Fayette Power Project, Attachment 1 at 7 (Sept. 17, 2010) (confirming groundwater seepage into Cedar Creek) (Ex. 4).

²³ Permit, Attachment FPP-TECH 4: Pond Liner Information.

²⁴ EPA, Final Determination of Identified Proven Damage and Recently Alleged Damage Cases, [DCN SE01966], Docket No. EPA-HQ-OW-2009-0819-2212.

²⁵ See, e.g., Annual Groundwater Monitoring Report: 2009 Data Summary submitted by Lower Colorado River Authority to the Texas Commission on Environmental Quality (May 2010).

²⁶ See, e.g., *Hernandez v. Esso Standard Oil Co.*, 599 F.Supp.2d 175, 181 (D. Puerto Rico 2009) (reviewing federal case law and holding "that the CWA extends federal jurisdiction over groundwater that is hydrologically connected to surface waters that are themselves waters of the United States"); see also U.S. Env'tl. Prot. Agency, Office of Wastewater Mgmt., National Pollutant Discharge Elimination System Permitting of Wastewater Discharges from Flue Gas Desulfurization and Coal Combustion Residuals Impoundments at Steam Electric Power Plants, Att. B at 2 (2010) ("Permitting authorities should examine the need for [NPDES permit requirements such as lined impoundments and seepage

to “waters of the U.S.” fall within the scope of the Clean Water Act.²⁷ All unpermitted discharges from a point source to these waters are violations of the CWA. Leaks in a pollution containment system, like coal combustion waste landfills and impoundments, are point sources.²⁸ Thus, discharges of toxic pollution from leaks in coal combustion waste landfills and impoundments are prohibited without an NPDES permit.²⁹

TCEQ should require LCRA to install a protective composite liner and additional safeguards to prevent the continued discharge of coal combustion waste into Cedar Creek. Any unpermitted discharges from these ponds would be illegal and TCEQ must require the applicant to submit groundwater and lake water monitoring data to ensure that such discharges are not occurring. TCEQ should further require a period of wet effluent toxicity testing using water samples taken from various locations around the perimeter of the coal ash ponds.

Recent EPA guidance has made clear that coal ash combustion impoundments are within the scope of NPDES permits for electric generating facilities and must be addressed by the permitting authority: “Seepage discharges to surface water through a shallow ground water hydrologic connection have been controlled in a number of cases through NPDES permit requirements to either use lined impoundments to prevent seepage or to install seepage interception systems. Permitting authorities should examine the need for these types of requirements for hydrologically connected discharges that cannot be regulated through traditional NPDES outfalls.”³⁰

interception systems] for hydrologically connected discharges that cannot be regulated through traditional NPDES outfalls”); U.S. Env'tl. Prot. Agency, Office of Wastewater Mgmt., EPA-833-K-10-001, NPDES Permit Writer's Manual (2010) (“If a discharge of pollutants to ground water reaches waters of the United States . . . it could be a discharge to the surface water (albeit indirectly via a direct hydrological connection, *i.e.* the ground water) that needs an NPDES permit”); U.S. EPA, Notice of Final NPDES General Permit for Egg Production Operations in New Mexico and Oklahoma NMG800000 and OKG800000, 67 Fed. Reg. 47,362-63 (July 18, 2002) (“The permit prohibits the discharge of process wastewater pollutants from retention or control structures to groundwater that has a direct hydrologic connection to Waters of the United States”).

²⁷ *Id.*

²⁸ 33 U.S.C. § 1362(14) (defining “point source” broadly and specifically including “container” in the definition); *see, e.g., United States v. Earth Sciences, Inc.*, 599 F.2d 368 (10th Cir. 1979) (noting that “[w]hen a [closed circulating system] fails because of flaws in the construction or inadequate size to handle the fluids utilized, with resulting discharge, whether from a fissure in the dirt berm or overflow of a wall, the escape of liquid from the confined system is a point source”).

²⁹ In fact, discharges that result from leaks and other failures of a pollution containment system should never be authorized by an NPDES permit because BAT is to contain the pollution. *See* 33 U.S.C. §§ 1311(b)(1), 1311(b)(2)(A), and 1314(b) (mandating that permitting agencies set technology-based effluent limits for all discharges).

³⁰ Memorandum from James A. Hanlon, Director, Office of Wastewater Management, on National Pollution Discharge Elimination System (NPDES) Permitting of Wastewater Discharges from Flue Gas Desulfurization (FGD) and Coal Combustion Residuals (CCR) Impoundments at Steam Electric Power Plants, Appendix B at 2 (June 7, 2010), *available at* <http://www.epa.gov/region1/npdes/merrimackstation/pdfs/ar/AR-44.pdf>.

II. TCEQ Must Investigate and Address Potential Unpermitted Discharges to Baylor Creek

On March 10, 2015, Sierra Club members and volunteers identified a potentially significant pollution event in Baylor Creek, which runs west of the Fayette Power Plant. As demonstrated in the photograph attached to these comments, the pollution event caused the entire creek to turn a creamy buttermilk-like color.³¹ March 20, 2015 water quality samples confirmed extremely high levels of aluminum, arsenic, sulfate, calcium, iron, copper, and lead.³² Although the exact cause of the Baylor Creek pollution event is unknown, these pollutants are often associated with flue gas desulfurization (“FGD”) and coal ash waste.³³ The FGD or SO₂ scrubbing process typically uses a calcium or sodium alkaline-based reagent that is injected into the flue gas. The SO₂ is absorbed, neutralized, and/or oxidized by the alkaline reagent into a solid compound, either calcium or sodium sulfate.³⁴ Coincidentally, satellite images show what appears to be a coal ash loading or drainage directly to the northwest of the plant, and adjacent to Baylor Creek.³⁵ If so, it is not surprising that heavy rainfall would result in a discharge of such materials to Baylor Creek.

The Fayette TPDES permit, however, does not contemplate or allow any discharge to Baylor Creek. All of the outfalls from the Fayette Power Plant are to Cedar Creek. Thus, any discharge of pollutants from the Fayette Power Plant to Baylor Creek are not within the scope of the draft permit. The power plant’s discharges to Baylor Creek instead appear to be governed by TCEQ’s Multi Sector General Permit.³⁶

That general permit, however, does not allow “[d]ischarges that would cause or contribute to a violation of water quality standards, or that would fail to protect and maintain existing designated uses of receiving waters.”³⁷ Moreover, any permittee under the general permit “shall take all reasonable steps to minimize or prevent any discharge or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment,” including the implementation of “all pollution prevention practices . . . necessary

³¹ Ex. 5 (Mar. 10, 2015 photograph at Texas HWY 71 and Baylor Creek).

³² Ex. 1 (Mar. 20, 2015 water quality sample report).

³³ EPA, Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities at 27, EPA Docket No. EPA-HQ-RCRA-2009-0640 (Dec. 19, 2014) (Prepublication Copy) (to be codified at 40 C.F.R. Parts 257 and 261), *available at* http://www2.epa.gov/sites/production/files/2014-12/documents/ccr_finalrule_prepub.pdf [hereinafter “CCR Rule”] (noting that the “constituents of most environmental concern in [coal combustion residual material] are metals, such as antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, nickel, selenium, silver and thallium); *see also* EPA, Air Pollution Control Technology Fact Sheet, Flue Gas Desulfurization (FGD) – Wet, Spray Dry, and Dry Scrubbers, EPA-452/F-03-034, *available at* <http://www.epa.gov/ttnecat1/dir1/ffdg.pdf>; Higgins et al., Flue Gas Desulfurization Wastewater Treatment Primer at 4 (Mar. 1, 2009), *available at* <http://www.epa.gov/region1/npdes/merrimackstation/pdfs/ar/AR-119.pdf>

³⁴ *Id.*

³⁵ Ex. 6 (Google Earth image of Fayette Power Plant).

³⁶ TCEQ, Multi Sector General Permit, TPDES General Permit No. TXR050000; Draft Permit at 8.

³⁷ General Permit § II.B.6.

to protect the water quality in receiving waters.”³⁸ In light of the extremely high quantities of arsenic, heavy metals, and other pollutants detected in Baylor Creek, TCEQ should exercise its authority to require LCRA to apply for an individual permit for those discharges, and should require best available technology to prevent further discharges to Baylor Creek.³⁹ At a minimum, TCEQ must inspect and assess the Fayette Power Plant’s potential to discharge to Baylor Creek and require LCRA to take all reasonable steps to minimize or prevent future discharges that may adversely affect human health or the environment.

III. TCEQ Must Address Additional Clean Water Act Permitting Requirements

1. TCEQ Must Establish Technology-Based Effluent Limits in the Fayette TPDES Permit

The Draft Permit does not set technology-based effluent limits for the numerous pollutants that are regularly discharged from coal combustion leachate and impoundment wastewater. Under the CWA, NPDES permits must include technology based effluent limitations for all discharged pollutants.⁴⁰ TBELs must reflect pollutant controls constituting the “best available technology economically achievable” (“BAT”), and these effluent limitations “shall require the elimination of discharges of all pollutants if the Administrator finds, on the basis of information available to him . . . that such elimination is technologically and economically achievable.”⁴¹ All sources and all pollutants must be subject to technology-based effluent limits,⁴² unless more stringent water quality-based effluent limits are required to avoid exceedances of water quality standards.⁴³

To implement the CWA’s technology-based effluent limit requirements, the U.S. Environmental Protection Agency (“EPA”) is required to promulgate national effluent limitations and guidelines (“ELGs”) to control discharges of pollutants into the waters of the United States from industrial point sources.⁴⁴ EPA and states look first to the ELGs when setting technology-based effluent limits, which represent the minimum standards of protection.⁴⁵ Where

³⁸ *Id.* § III.E.2.

³⁹ *See id.* § II.B.6 (“The executive director may require an application for an individual permit or alternative general permit to authorize discharges of storm water from any industrial facility that is determined to cause a violation of water quality standards or is found to cause, or contribute to, the loss of a designated use of receiving waters.”).

⁴⁰ *See* 33 U.S.C. §§ 1311 (establishing technology based effluent limitations) & 1342(a)(1) (requiring that NPDES permits incorporate technology-based effluent limits); 40 C.F.R. § 122.44(a) (“Each NPDES permit shall include...technology-based effluent limitations and standards based on: effluent limitations and standards promulgated under section 301 of the CWA, or new source performance standards promulgated under section 306 of CWA, or case-by-case effluent limitations determined under section 402(a)(1) of CWA, or a combination of the three, in accordance with § 125.3 of this chapter”); 40 C.F.R. § 122.44(e) (“Each NPDES permit shall include...technology-based controls for toxic pollutants”); 30 TEX. ADMIN. CODE § 305.531 (incorporating 40 C.F.R. § 122.44 by reference).

⁴¹ 33 U.S.C. § 1311(b)(2)(A).

⁴² *See* 33 U.S.C. § 1311(b)(2)(A).

⁴³ *See id.* § 1312(a).

⁴⁴ 33 U.S.C. §§ 1311(b), 1314(b).

⁴⁵ *See Natural Res. Def. Council v. Envtl. Prot. Agency*, 859 F.2d 156, 183 (D.C. Cir. 1988).

EPA has not yet promulgated ELGs for particular pollutants discharged by a given point source category, the CWA requires the TCEQ to stand in the shoes of EPA and use its best professional judgment (“BPJ”) to set case-by-case TBELs for these pollutants in NPDES permits.⁴⁶ EPA last promulgated ELGs for the steam electric power generation industry in 1982 – approximately 30 years ago – before the agency was fully cognizant of threats posed by waste waters from coal ash handling and air pollution control systems. With respect to waste streams from power plants, such as the Fayette plant, the outdated ELGs cover only (1) pH, (2) total suspended solids (“TSS”), (3) oil and grease, (4) total residual chlorine, and (5) selenium.⁴⁷

EPA has not yet established ELGs for metals and other pollutants in waste streams from power plants. The steam electric power generating industry is the second largest discharger of toxic pollutants, and the toxicity of these discharges is primarily driven by metals associated with coal combustion waste handling and air pollution control systems.⁴⁸ As EPA recently stated:

An increasing amount of evidence indicates that the characteristics of coal combustion wastewater have the potential to impact human health and the environment. Many of the common pollutants found in coal combustion wastewater (e.g., selenium, mercury, and arsenic) are known to cause environmental harm and can potentially represent a human health risk. Pollutants in coal combustion wastewater are of particular concern because they can occur in large quantities (i.e., total pounds) and at high concentrations (i.e., exceeding Maximum Contaminant Levels (MCLs)) in discharges and leachate to groundwater and surface waters. In addition, some pollutants in coal combustion wastewater present an increased ecological threat due to their tendency to persist in the environment and bioaccumulate in organisms, which often results in slow ecological recovery times following exposure.⁴⁹

Specifically, EPA has identified 27 pollutants to analyze in coal ash wastewaters, including: aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, mercury, molybdenum, nickel, selenium, silver, sodium, thallium, tin, titanium, vanadium, yttrium, and zinc.⁵⁰

Coal pile runoff shares many characteristics of coal combustion wastewaters. EPA’s survey of coal pile runoff at many coal-burning EGUs found it to be extremely acidic “due to the oxidation of iron sulfide, which produces sulfuric acid, and ferric hydroxide or ferric sulfate,” and to contain high concentrations of copper, iron, aluminum, and nickel.⁵¹

⁴⁶ 33 U.S.C. § 1311(b)(2)(A); 33 U.S.C. § 1342 (a)(1)(B); 40 C.F.R. § 125.3(c), (d); *Natural Res. Def. Council v. Env’tl. Prot. Agency*, 863 F.2d 1420, 1425 (9th Cir. 1988).

⁴⁷ Draft Permit at 2a-2f.

⁴⁸ U.S. EPA, *Notice of Availability of Preliminary 2008 Effluent Guidelines Program Plan*, 72 Fed. Reg. 61,335, 61,342 (Oct. 30, 2007).

⁴⁹ U.S. EPA, *Steam Electric Power Generating Point Source Category: Final Detailed Study Report*, EPA 821-R-09-008, 3-19 (October 2009) (“EGU Detailed Study”).

⁵⁰ *Id.* at 3-34; see also U.S. EPA, *Notice of Final 2008 Effluent Guidelines Program Plan*, 73 Fed. Reg. 53,218 (Sept. 15, 2008).

⁵¹ See EGU Detailed Study at 3-22 to 3-23.

EPA has published a proposal to revise the ELGs for power plants to include metals and other pollutants as the Clean Water Act requires.⁵² But EPA does not plan to issue a final rule until at least September 30, 2015.⁵³ Thus, it could still be a number of years before EPA finalizes ELGs for metals and other pollutants from power plants. Accordingly, in the interim, the Clean Water Act requires that TCEQ use its best professional judgment to set BAT-based TBELs to limit pollution and protect the Nueces River Basin.⁵⁴

The current permit does not set TBELs on toxic pollutants in coal combustion residual leachate⁵⁵ despite the fact that the permit allows LCRA to discharge coal combustion leachate from Outfalls 003, 301, and 004 to tributaries of Cedar Creek and Cedar Creek Reservoir.⁵⁶ Although EPA has identified 27 pollutants found in coal ash wastewaters (including, aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, mercury, molybdenum, nickel, selenium, silver, sodium, thallium, tin, titanium, vanadium, yttrium, and zinc),⁵⁷ the current permit for the Fayette Plant only imposes limits on one toxic—selenium.⁵⁸ As noted, the Clean Water Act requires that TCEQ use its best professional judgment to set BAT-based TBELs on toxic pollutants in discharges of coal combustion waste wastewaters.⁵⁹

TCEQ must undertake the BPJ analysis for leachate with the goal of eliminating pollutant discharges, not as a substitute for setting TBELs.⁶⁰ Although zero-discharge may not be strictly attainable in all settings, the best available technologies must be applied in an effort to get as close as possible to zero discharge. TCEQ can and must consider the same mandatory factors that EPA would consider in setting national effluent limitations, including the age of facilities, the process employed, engineering aspects of various control techniques, process changes, and non-water environmental impacts.⁶¹ While a thorough review of available technologies including their cost and performance is required, the vast majority of this analysis has already been done

⁵² Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category, 78 Fed. Reg. 34,432 (June 7, 2013).

⁵³ EPA, Proposed Effluent Guidelines for the Steam Electric Power Generating Category, <http://water.epa.gov/scitech/wastetech/guide/steam-electric/proposed.cfm#consent> (last visited on May 14, 2014).

⁵⁴ 33 U.S.C. § 1311(b)(2)(A).

⁵⁵ In its 2013 proposal, EPA proposes to define combustion residual leachate as leachate from landfills or surface impoundments containing residuals from the combustion of fossil or fossil-derived fuel. Leachate includes liquid, including any suspended or dissolved constituents in the liquid, that has percolated through or drained from waste or other materials placed in a landfill, or that pass through the containment structure (e.g., bottom, dikes, berms) of a surface impoundment. Leachate also includes the terms seepage, leak, and leakage, which are generally used in reference to leachate from an impoundment. 78 Fed. Reg. at 34,533.

⁵⁶ 9 Permit, at 17.

⁵⁷ 0 EA at 3-34; see also U.S. EPA, Notice of Final 2008 Effluent Guidelines Program Plan, 73 Fed. Reg. 53,218 (Sept. 15, 2008).

⁵⁸ Permit, 2-2g

⁵⁹ 33 U.S.C. § 1311(b)(2)(A).

⁶⁰ *Natural Res. Def. Council v. EPA*, 863 F.2d at 1426 (“BAT should represent ‘a commitment of the maximum resources economically possible to the ultimate goal of eliminating all polluting discharges.’”).

⁶¹ *Natural Res. Def. Council v. EPA*, 859 F.2d at 183; 33 U.S.C. §1314(b)(2)(B).

by EPA. EPA signed a comprehensive proposed rule and published detailed supporting documents on April 19, 2013.⁶² Prior to the proposal, EPA published guidance and Steam Electric Power Generating Point Source Category reports.⁶³ EPA also made extensive materials available to state permit writers, and over the course the multi-year study of the Steam Electric industry conducted prior to the proposed rule, it coordinated directly with state and regional permit writers.⁶⁴ In addition, the Public Interest Groups have submitted extensive legal and technical comments on EPA's proposal with respect to coal combustion residual discharges and other wastestreams.⁶⁵ Thus, TCEQ has—and has had—the information it needs to conduct the BPJ analysis required by law.

Although total loadings from coal combustion residual leachate may be small in relation to FGD and ash transport wastewaters, coal combustion residual leachate is responsible for significant, adverse impacts on public health and the environment. As is the case at the Fayette Plant, impoundments and landfills often directly discharge or leak and seep into groundwater and/or smaller creeks and streams that are tributaries of larger rivers and lakes. Toxic pollution in small streams and creeks will result in higher concentrations of selenium, cadmium, and other pollutants that are toxic to aquatic life in minute concentrations. In addition, humans recreating in and around these smaller water bodies will also face a greater risk of adverse health effects from exposure to higher concentrations of coal combustion waste pollution. In fact, combustion residual leachate is responsible for a significant number of EPA proven and potential damage cases. Nearly half (30 of 67) of EPA's documented surface water damage cases were caused by leachate seeping into groundwater flowing into surface water.⁶⁶ For all these reasons, it is critical that TCEQ conduct a BPJ analysis to set BAT limits to clean up these dangerous discharges and protect public health and the environment.

Additionally, LCRA claims that the Plant does not discharge wastewater associated with FGD pollution controls.⁶⁷ Similar to the prohibition on discharge of ash transport wastewaters in the current permit,⁶⁸ TCEQ should expressly prohibit discharges of FGD wastewater to waters of the State since LCRA claims to achieve “zero discharge” by recycling wastewater within the plant.

⁶² Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category, 78 Fed. Reg. 34,432 (June 7, 2013).

⁶³ See Memorandum from James Hanlon, EPA, Director of the Office of Wastewater Management to EPA Water Division Directors, Regions 1-10 & Attachment A: Technology Based Effluent Limits, Flue Gas Desulfurization (FGD) at Steam Electric Facilities (June 7, 2010) [hereinafter, Hanlon Memo].

⁶⁴ *Id.*

⁶⁵ Environmental Integrity Project, Earthjustice, and Sierra Club comments on EPA's Proposal to Revise the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category, Docket No. EPA-HQ-OW-2009-0819-4684 (Sept. 20, 2013). The comments and appendices and exhibits are available at www.regulations.gov. Because these documents are voluminous, we hereby incorporate them by reference instead of providing them as attachments..

⁶⁶ EA at A-29-A-39

⁶⁷ Application, Attachment FPP-TECH 1.

⁶⁸ Permit, at 15.

2. *TCEQ Must Undertake a Full, Independent Analysis of Continuous Operation of the Fayette Flue Gas Desulfurization System to Control SO₂ Emissions Will Affect Wastewater Discharges*

In 2001, LCRA completed the installation of flue gas desulfurization equipment at Units 1 & 2, and is required to continuously operate that equipment. The Texas Administrative Code requires a permittee to supplement its application when the permittee becomes aware that it failed to submit any relevant facts in a permit application.⁶⁹ Moreover, the applicant is required to notify TCEQ where any change in the operation of a source could significantly change the *nature or increase* the quantity of pollutants that are discharged, but not limited in the permit.⁷⁰ There is no indication in the public records available that LCRA submitted any other analysis of this increased waste stream or how it might affect existing discharges. TCEQ must require LCRA to submit analytical data for this increased or additional waste stream, and information on exactly how often and in what quantities the FGD system will discharge, as well as the likely composition of that discharge. FGD systems are in use at many other coal plants around the country (and has been in use at Unit 3 for many years), so LCRA should be able to provide TCEQ with reliable predictions about what this discharge will contain, and how the continuous operation of the FGD system will impact discharges. As explained above, FGD waste water contains elevated levels of numerous pollutants that could affect dissolved oxygen levels in the receiving waterways. The use of additional lime sorbent, the continuous use of FGD, and the production of potentially significant amounts of additional FGD waste water might affect the quantity and quality of the facility's discharges.

TCEQ must require LCRA to supplement the application with complete information about the increased FGD discharges, and an analysis of how the continuous operation of the FGD system will affect the composition and quantity of the FGD wastewater and sludge. TCEQ should then reevaluate whether additional effluent limits or monitoring requirements are needed. Additionally, TCEQ should require several years of monitoring and reporting for the contaminants expected to be found in the FGD discharge so as to better understand the impacts of these wastewaters and whether additional effluent limits need to be in place.

3. *TCEQ Should Include Limits and Monitoring Requirements for Bromides, which Interact with Wastewater Treatment Systems to Form Harmful Compounds.*

Coal plant waste, including FGD coal ash waste, contains bromide salts, which are very hard to remove short of evaporating wastewater to crystallize out these pollutants.⁷¹ Bromides interact with wastewater treatment systems at public drinking water intakes to form disinfection byproducts, including a class of chemicals called trihalomethanes, which are linked to bladder

⁶⁹ 30 T.A.C. § 305.125(19).

⁷⁰ See 40 C.F.R. § 122.41(l)(1)(ii) (adopted by reference 30 T.A.C. § 305.537).

⁷¹ 78 Fed. Reg. at 34,477 (June 7, 2013).

cancer.⁷² As noted in the draft permit, Fayette discharges to Cedar Creek and the Colorado River Basin, which is designated as a drinking water supply.⁷³ Drinking water utilities are concerned about escalating levels of bromide in the water supply, as those elevated levels has made it increasingly difficult for them to meet Safe Drinking Water Act requirements for trihalomethanes.⁷⁴

Other states have recognized the potential water quality concerns associated with bromide pollution. In North Carolina, the NPDES permit for the Belews Creek Steam Station requires monthly monitoring for bromides at the outfall from an ash settling pond that receives the effluent from the FGD treatment system.⁷⁵ The permit contains a separate requirement to evaluate bromide reduction technologies for these discharges and to coordinate with downstream water systems.⁷⁶ If TCEQ does not require LCRA to monitor and install mechanical evaporation as BAT for bromides, it will simply be shifting the cost of addressing the bromides problem from the well-funded electric generating sector onto resource-limited public water systems. At a minimum, we urge TCEQ to require monitoring and reporting of bromide discharges at Fayette.

4. *TCEQ Has Not Properly Evaluated Whether the Draft Permit Will Adversely Affect the Endangered Houston Toad.*

TCEQ's determination that the draft permit will not adversely affect the endangered Houston Toad (*Bufo houstonensis* Sanders) is incomplete.⁷⁷ TCEQ must consult with FWS when a proposed permit for an electric generating facility will result in the discharge of effluent containing lead, copper, arsenic, chromium, mercury, cadmium, nickel, cyanide, among other toxic metals into sensitive waters. Because the draft permit will result in the discharge of several of those substances into the Colorado River, which is critical habitat for the species, TCEQ was required to submit a preliminary draft of the permit to FWS.

Although TCEQ notified U.S. Fish and Wildlife of the Fayette draft permit, TCEQ apparently failed to consider the possible impact of coal combustion waste discharges on the Houston Toad. Nor did the agency specifically notify FWS that the proposed permit would result in the discharge of effluent containing lead, copper, arsenic, chromium, mercury, cadmium, nickel, cyanide, among other toxic metals. Moreover, as discussed more fully below, TCEQ failed to properly analyze or disclose the impacts to endangered aquatic species from Fayette's cooling water intake system.

⁷² *Id.* at 34,505.

⁷³ Fact Sheet at 1.

⁷⁴ EPA, Environmental Assessment for the Proposed Effluent Limitation Guidelines and Standards for the Steam Electric Power Generating Point Source Category 3-14 (Apr. 2013), Docket No. EPA-HQ-OW-2009-0819-2260 [hereinafter EA].

⁷⁵ 2012 NPDES Permit for Belews Creek Steam Station, NC0024406, at p.4.

⁷⁶ *Id.* at Condition A.(14), p.9.

⁷⁷ Fact Sheet at 5; 35 Fed. Reg. 16,047 (Oct. 13, 1970).

Fayette has two coal ash impoundments: one fly ash impoundment and reclaim pond, both of which are routed through the rainfall surge pond, the primary and secondary treatment basins, and then discharged to Cedar Creek and the Colorado River Basin. As EPA has recognized, coal combustion wastewater is very likely to contain heavy, bioaccumulative pollutants such as mercury, selenium, cadmium, arsenic, mercury, lead, chromium, nickel, and copper.⁷⁸ Because the Houston Toad is a very long-lived species, bioaccumulative pollutants like selenium and mercury pose a special harm. The draft permit, however, does not contain any information on the frequency or amount of arsenic, chromium, mercury, lead, copper, nickel, selenium, or other similar contaminants being discharged into critical habitat for the Houston Toad. Moreover, as discussed below, the draft permit also lacks any analysis or information about the impacts of Fayette's cooling water intake system on the Houston Toad. TCEQ therefore lacks sufficient information on which to base a scientific determination of whether the proposed discharges will adversely impact the toad, and therefore cannot meet its obligations to protect these species.

5. *TCEQ Must Ensure Compliance with Clean Water Act Section 316(b).*

Section 316(b) of the Clean Water Act requires that the "location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impacts."⁷⁹ The withdrawal of cooling water by existing electric generation facilities removes and kills hundreds of billions of aquatic organisms from waters of the United States each year, including plankton (small aquatic animals, including fish eggs and larvae), fish, crustaceans, shellfish, sea turtles, marine mammals, and many other forms of aquatic life.⁸⁰ Cooling water intake systems pose two major threats to aquatic life. The first is impingement, which occurs when fish die or are injured as a result of being pinned against the cooling water intake screens. The second is entrainment, which occurs when aquatic organisms that are small enough to pass through the wire mesh of the cooling water intake screens, are sucked into the pumps.

On May 19, 2014, EPA finalized rules for cooling water intake structures at facilities like the Fayette Power Plant.⁸¹ The rule establishes requirements under section 316(b) of the Clean Water Act for existing power generating facilities and existing manufacturing and industrial facilities that, like Fayette, are designed to withdraw more than 2 million gallons per day (mgd) of water from waters of the United States and use at least 25 percent of the water they withdraw exclusively for cooling purposes.⁸² In particular, the rule provides a national performance standard for avoidance of impingement mortality that may be met by the installation of modified

⁷⁸ See EGU Detailed Study, *supra* note 7, at 3-22 to 3-23; see also U.S. EPA, Notice of Final 2008 Effluent Guidelines Program Plan, 73 Fed. Reg. 53,218 (Sept. 15, 2008) (identifying pollutants commonly found in coal ash wastewaters, including arsenic, cadmium, chromium, copper, iron, lead, mercury, nickel, silver).

⁷⁹ 33 U.S.C. § 1326(b).

⁸⁰ U.S. EPA, Final Rule, National Pollutant Discharge Elimination System—Final Regulations to Establish Requirements for Cooling Water Intake Structures at Existing Facilities and Amend Requirements at Phase I Facilities at 12, Docket No. EPA-HQ-OW-2008-0667 (May 19, 2014) [hereinafter "Final 316(b) Rule"].

⁸¹ See Final 316(b) Rule.

⁸² *Id.* at 10-11.

traveling screens or one or more of six other compliance alternatives that are equivalent or better in performance.⁸³ With regard to entrainment, the rule contains a national BTA standard that is a process for a site-specific determination of entrainment mitigation requirements at existing CWIS. The entrainment provision reflects EPA's assessment that there is no single technology basis that is BTA for entrainment at existing facilities, but instead a number of factors that are best accounted for on a site-specific basis. Site-specific decision making may lead to a determination by the NPDES permitting authority that entrainment requirements should be based on variable speed pumps, water reuse, fine mesh screens, a closed-cycle recirculating system, or some combination of technologies that constitutes BTA for the individual site.⁸⁴

Although TCEQ acknowledges EPA's Final 316(b) Rule, the agency failed to exercise best professional judgment to determine the "best technology available" at Fayette's cooling water intake structures.⁸⁵ Instead, TCEQ appears to have relied solely upon the permit applicant's own 316(b) Assessment, which concluded that Fayette's cooling water intake system represents the best technology available even though the system has the potential to impinge or entrain significant numbers of organisms and larvae, including the endangered Houston toad (*Bufo houstonensis Sanders*). Yet the draft permit lacks any analysis or information about the impacts of Fayette's cooling water intake system on this endangered species.

Federal law requires TCEQ choose a cooling water intake structure that best minimizes adverse environmental impacts. Despite the acknowledged potential for impacts to sensitive species, LCRA's 316(b) Assessment failed to even consider retrofitting or upgrading its closed-cycle cooling system to replace the once-through cooling system at Fayette. TCEQ cannot continue with the approach it approved in 2011: the use of bar screens, sluice screens, and further studies as a 316(b) compliance strategy. Screens cannot address Fayette's significant entrainment and impingement impacts. As a result, TCEQ's interim approach to regulating Fayette's cooling water intakes is unlawful. TCEQ must require LCRA to retrofit its system to a closed-cycle cooling system, or upgrade its current cooling system to protect the aquatic ecosystem.

TCEQ must also require LCRA to provide additional data on impingement and entrainment at its cooling water intake structure, and conduct a proper, site-specific analysis of

⁸³ *Id.* at 14-15. More specifically, the rule provides that existing facilities subject to this rule must comply with one of the following seven alternatives identified in the national BTA standard for impingement mortality: (1) operate a closed-cycle recirculating system as defined at § 125.92; (2) operate a cooling water intake structure that has a maximum through-screen design intake velocity of 0.5 fps; (3) operate a cooling water intake structure that has a maximum through-screen intake velocity of 0.5 fps; (4) operate an offshore velocity cap as defined at § 125.92 that is installed before the effective date of the rule; (5) operate a modified traveling screen that the Director determines meets the definition at § 125.92(s) and that the Director determines is the best technology available for impingement reduction; (6) operate any other combination of technologies, management practices and operational measures that the Director determines is the best technology available for impingement reduction; or (7) achieve the specified impingement mortality performance standard. *See* Final 316(b) Rule at 89-90. Neither the Draft Permit nor the Fact Sheet provides sufficient information to determine whether Fayette will comply with any of these alternatives.

⁸⁴ Final 316(b) Rule at 13-14.

⁸⁵ Draft Permit at 24.

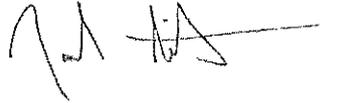
whether Fayette's cooling water intake system is adversely impacting aquatic life. TCEQ must require the company to submit the studies necessary to evaluating the impacts of its dual cooling water intake systems and determining the best technology available to minimize these impacts. TCEQ must then incorporate enforceable conditions relating to that technology directly into the final permit.

Conclusion

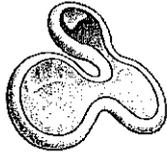
In sum, the Application and Draft Permit suffer a number of legal defects, which LCRA and TCEQ must address before the final permit may issue. Sierra Club appreciates the opportunity to submit these comments, reserves the right to rely on all public comments submitted concerning the Fayette TPDES permit, and requests both a written response to these comments and a written notification of any agency action taken pertaining to this draft permit. If the permit is amended or altered in response to comments, Sierra Club requests an opportunity to review and comment on any amended permit.

If you have any questions or would like further input from the Sierra Club on this matter, please contact me at any time.

Sincerely,



Joshua Smith
Staff Attorney
SIERRA CLUB
85 Second Street
San Francisco, CA 94105
Tel: 415.977.5560
Fax: 415.977.5793
joshua.smith@sierraclub.org



CALIBER ANALYTICAL SERVICES

Certificate of Analysis

A-Prime Water Well Service
6149 Baca Road
Fayetteville, Texas 78940

Date Sampled: 03/10/15 14:10
Date Received: 03/23/15 17:00
Date Issued: 04/02/15

Project: TREW
Site Location: Fayetteville, TX
Project Number: 2A

SDG Number: 15032310

Field Sample ID:	1-Baylor Creek	Matrix:	Water	Lab ID:	15032310-01		
	Result	Unit	LLQ	Method	Prepared	Analyzed	Init.
Sulfate by IC							
Sulfate	3.3	mg/L	1	EPA 300.0	03/24/15	03/24/15 16:22	SS
Total Metals							
Aluminum	8,800	ug/L	50	EPA 6020A	03/24/15	03/30/15 10:54	MEL
Antimony	ND	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Arsenic	6.3	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Barium	260	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Beryllium	ND	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Boron	38	ug/L	5	EPA 6020A	03/25/15	03/25/15 13:23	MEL
Cadmium	ND	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Calcium	250,000	ug/L	100	EPA 6020A	03/24/15	03/30/15 10:54	MEL
Chromium	8.0	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Cobalt	ND	ug/L	5	EPA 6020A	03/24/15	03/30/15 10:54	MEL
Copper	6.8	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Iron	7,000	ug/L	100	EPA 6020A	03/24/15	03/30/15 10:54	MEL
Lead	10	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Magnesium	4,200	ug/L	100	EPA 6020A	03/24/15	03/30/15 10:54	MEL
Manganese	410	ug/L	5	EPA 6020A	03/24/15	03/30/15 10:54	MEL
Mercury	ND	ug/L	0.2	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Molybdenum	ND	ug/L	5	EPA 6020A	03/25/15	03/25/15 12:06	MEL
Nickel	7.3	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Potassium	5,900	ug/L	100	EPA 6020A	03/24/15	03/30/15 10:54	MEL
Selenium	ND	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Silver	ND	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Sodium	5,700	ug/L	100	EPA 6020A	03/24/15	03/30/15 10:54	MEL
Thallium	ND	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:12	MEL
Vanadium	32	ug/L	5	EPA 6020A	03/24/15	03/30/15 10:54	MEL
Zinc	21	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:12	MEL

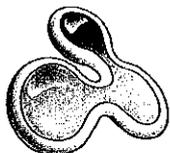
Notes/Qualifiers:

LLQ- Lowest Level of Quantitation

ND - Not Detected at a concentration greater than or equal to the LLQ.

Approved by:

QC Chemist



CALIBER ANALYTICAL SERVICES

Certificate of Analysis

A-Prime Water Well Service
6149 Baca Road
Fayetteville, Texas 78940

Date Sampled: 03/10/15 14:25
Date Received: 03/23/15 17:00
Date Issued: 04/02/15

Project: TREW
Site Location: Fayetteville, TX
Project Number: 2A

SDG Number: 15032310

Field Sample ID:	2-Baylor Creek	Matrix:	Water	Lab ID:	15032310-02		
	Result	Unit	LLQ	Method	Prepared	Analyzed	Init.
Sulfate by IC							
Sulfate	3.5	mg/L	1	EPA 300.0	03/24/15	03/24/15 16:40	SS
Total Metals							
Aluminum	9,700	ug/L	50	EPA 6020A	03/24/15	03/30/15 11:19	MEL
Antimony	ND	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Arsenic	6.9	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Barium	290	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Beryllium	ND	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Boron	40	ug/L	5	EPA 6020A	03/25/15	03/25/15 13:45	MEL
Cadmium	ND	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Calcium	250,000	ug/L	100	EPA 6020A	03/24/15	03/30/15 11:19	MEL
Chromium	8.5	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Cobalt	5.1	ug/L	5	EPA 6020A	03/24/15	03/30/15 11:19	MEL
Copper	8.8	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Iron	7,800	ug/L	100	EPA 6020A	03/24/15	03/30/15 11:19	MEL
Lead	11	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Magnesium	4,400	ug/L	100	EPA 6020A	03/24/15	03/30/15 11:19	MEL
Manganese	410	ug/L	5	EPA 6020A	03/24/15	03/30/15 11:19	MEL
Mercury	ND	ug/L	0.2	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Molybdenum	ND	ug/L	5	EPA 6020A	03/25/15	03/25/15 12:24	MEL
Nickel	8.3	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Potassium	6,000	ug/L	100	EPA 6020A	03/24/15	03/30/15 11:19	MEL
Selenium	ND	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Silver	ND	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Sodium	5,600	ug/L	100	EPA 6020A	03/24/15	03/30/15 11:19	MEL
Thallium	ND	ug/L	1	EPA 6020A	03/24/15	03/26/15 11:40	MEL
Vanadium	35	ug/L	5	EPA 6020A	03/24/15	03/30/15 11:19	MEL
Zinc	23	ug/L	5	EPA 6020A	03/24/15	03/26/15 11:40	MEL

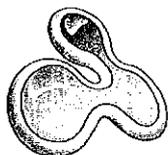
Notes/Qualifiers:

LLQ- Lowest Level of Quantitation

ND - Not Detected at a concentration greater than or equal to the LLQ.

Approved by:

QC Chemist



CALIBER ANALYTICAL SERVICES

Certificate of Analysis

A-Prime Water Well Service
6149 Baca Road
Fayetteville, Texas 78940

Date Sampled: 03/10/15 15:00
Date Received: 03/23/15 17:00
Date Issued: 04/02/15

Project: TREW
Site Location: Fayetteville, TX
Project Number: 2A

SDG Number: 15032310

Field Sample ID:	1-Cedar Creek	Matrix:	Water	Lab ID:	15032310-03		
	Result	Unit	LLQ	Method	Prepared	Analyzed	Init.
Total Metals							
Aluminum	2,700	ug/L	50	EPA 6020A	03/30/15	03/30/15 11:24	MEL
Antimony	ND	ug/L	1	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Arsenic	4.3	ug/L	1	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Barium	100	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Beryllium	ND	ug/L	1	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Boron	58	ug/L	5	EPA 6020A	03/25/15	03/25/15 13:49	MEL
Cadmium	ND	ug/L	1	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Calcium	33,000	ug/L	100	EPA 6020A	03/30/15	03/30/15 11:24	MEL
Chromium	ND	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Cobalt	ND	ug/L	5	EPA 6020A	03/30/15	03/30/15 11:24	MEL
Copper	12	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Iron	3,600	ug/L	100	EPA 6020A	03/30/15	03/30/15 11:24	MEL
Lead	9.4	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Magnesium	2,800	ug/L	100	EPA 6020A	03/30/15	03/30/15 11:24	MEL
Manganese	410	ug/L	5	EPA 6020A	03/30/15	03/30/15 11:24	MEL
Mercury	ND	ug/L	0.2	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Molybdenum	ND	ug/L	5	EPA 6020A	03/25/15	03/25/15 12:28	MEL
Nickel	ND	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Potassium	4,500	ug/L	100	EPA 6020A	03/30/15	03/30/15 11:24	MEL
Selenium	ND	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Silver	ND	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Sodium	8,600	ug/L	100	EPA 6020A	03/30/15	03/30/15 11:24	MEL
Thallium	ND	ug/L	1	EPA 6020A	03/26/15	03/26/15 11:46	MEL
Vanadium	14	ug/L	5	EPA 6020A	03/30/15	03/30/15 11:24	MEL
Zinc	23	ug/L	5	EPA 6020A	03/26/15	03/26/15 11:46	MEL

Notes/Qualifiers:

LLQ- Lowest Level of Quantitation

ND - Not Detected at a concentration greater than or equal to the LLQ.

Approved by:

QC Chemist



CALIBER ANALYTICAL SERVICES

8851 Orchard Tree Lane
Towson, MD 21286
Phone: 410.825.1151
Fax: 410.825.2126
www.caslabs.net

Chain of Custody Record

A-Prime / Trew

Customer:	Harley Hayek
Contact/Report to:	
Phone:	979.249.3075
Fax:	979.249.4165

E-mail address:	tot@caliber.com
Project Name:	Trew
Project Number:	2A
Location:	Fayetteville, TX

SDG Number:	15032310
Sampled by:	H. Hayek
PO Number:	2015

Analysis Requested

Lab Number	Field Sample ID	Date Sampled	Time Sampled	No. of Bottles	Matrix	Preservative	Analysis Requested	Sampling Remarks/Comments
	1 - Baylor Creek	3/10/15	1410	1	H ₂ O	✓	Total Metals	Perform Baylor Creek samples 1st
	2 - Baylor Creek	3/10/15	1425	1	H ₂ O	✓		
	1 - Cedar Creek	3/10/15	1445	1	H ₂ O	✓		
	2 - Cedar Cr	3/10/15	1500	1	H ₂ O	✓		

Relinquished by:	Matt Collier	Date/Time:	2/23/15 1700	Deliverables:	I II III CLP EDD	Receipt Temperature:	Turnaround Time:
Received by:	USPS	Date/Time:	3/23/15 1700	Custody Seals:	Sample Cooler	Temp: On Ice	STD Next Day 2-Day Other
Relinquished by:		Date/Time:		Delivered by client	VIA ASM		
Received by:		Date/Time:					
Relinquished by:		Date/Time:					
Received by:		Date/Time:					
Comments/Special Instructions: Send more Col's bottles							
Se, Fe, As, Hg							

EXHIBIT 2

From: April Hoh
To: beckie.loeve@lcrs.org
Date: 4/15/2010 9:43 AM
Subject: 2105 Amendment

Beckie,

Good morning! To follow up on our conversation yesterday, the following information would allow me to finish my assessment of the permit amendment. Please provide a summary of the current groundwater investigation to identify the source/extent of the selenium in the groundwater around monitoring well AP-407. Include in the summary:

1. That, as you mentioned on the phone, the investigation has allowed you to get a better understanding of the source of the selenium in that middle sand aquifer, and that you think it is the ash pond.
2. Please provide some information on why you think the ash pond is the likely source.
3. Why have you determined that the selenium source is not the coal pile or the coal pile runoff area?
4. A brief description that the coal pile and the coal pile runoff area are not connected to the ash pond.
5. Future plans for the ash pond and a brief discussion that you are working with our Remediation Division to close that pond and will be working on a clean up action plan (or whatever the correct Remediation plan title is at this next phase).
6. I understand you are also working on identifying or understanding that molybdenum source, but that the investigation is still ongoing in this matter. Perhaps a brief discussion that the investigation into the Mo is ongoing.

Please provide this information at your earliest convenience, or by May 15, 2010, so that I may finish my review and the permit amendment can continue through our review process. Obviously, if you can get the information to me sooner, I can route it out of here quicker to get that amendment moving.

Thank you for your help on this matter.
April

April Hoh, P.G.
Geologist
Water Quality Assessment Team
Texas Commission on Environmental Quality
Phone: 512-239-3567
Fax: 512-239-4420

Please consider whether it is necessary to print this e-mail



May 7, 2010

Ms. April Hoh MC-150
Water Quality Assessment Team
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

TCEQ
Received
MAY 07 2010
Water Quality
Assessments

Re: Lower Colorado River Authority (LCRA)
Fayette Power Project (FPP)
Groundwater Investigation Summary

Dear Ms. Hoh:

This letter is in response to a conversation we had on 04/14/2010 related to an ongoing groundwater investigation. You requested a summary of the current groundwater investigation to identify the source/extent of the selenium in the groundwater around monitoring well AP-407. I have included each of your questions and followed each question with the information learned, thus far, as a result of the investigation. As we discussed during our conversation, the investigation is not complete. Upon completion of the groundwater investigation, I will send you a copy of the final report.

1. That, as you mentioned on the phone, the investigation has allowed you to get a better understanding of the source of the selenium in that middle sand aquifer, and that you think it is the ash pond.

Answer: The investigation has generally involved the installation and testing of 2 new shallow water-bearing zone and 7 new Middle Sand groundwater monitoring wells, and the physical assessment of the construction integrity of monitoring well RP-67 (which has a history of elevated selenium near the Reclaim Pond). The new monitoring wells were located to address data gaps in the current groundwater monitoring well network, and to target certain potential selenium source areas (e.g., the Coal Pile, the Reclaim Pond, and the Ash Pond). As described more specifically in the comments below, the data obtained from the investigation to date has provided the LCRA with a better understanding of the groundwater flow regimes beneath the facility and has indicated the likely source of the selenium is the Ash Pond.

2. Please provide some information on why you think the ash pond is the likely source.

Answer: The data appears to support a conclusion that the Ash Pond is the source of the selenium. This is based on several factors, as follows:

- Based on process knowledge and historical laboratory analytical data, fluids in the Ash Pond do contain elevated selenium concentrations (i.e., there is a source material present in the Ash Pond).
- It is possible that, during historical efforts to remove settled ash from the Ash Pond, the dredging extended to such depths as to potentially breach the underlying natural clay liner, thus creating a hydraulic connection between fluids in the Ash Pond and the Middle Sand. Based on the pressure head of the Middle Sand as compared to operating levels in the Ash Pond, the flow gradient would be vertical into the Middle Sand.
- Elevated selenium concentrations have been historically present primarily in monitoring well AP-407. This well is located in close proximity to, and in a generally down-gradient direction from, the Ash Pond.
- While selenium above its PCL has also been detected in monitoring well RP-67, which is immediately adjacent to the Reclaim Pond (RP), the recent field investigations have confirmed that this well was improperly constructed (i.e., it did not have an annular grout seal). It appears likely that the selenium concentrations in this well are associated with vertical migration along the well bore annulus, and not vertical migration through the clay underlying the RP. Thus, the best explanation for the historic occurrences of elevated selenium in RP-67 appears to be that limited lateral migration of fluids from the RP intersected the artificial vertical conduit created by the improperly constructed monitoring well RP-67. After encountering the monitoring well conduit, the fluids were likely able to migrate vertically into the Middle Sand. Based on the study findings, RP-67 was drilled out and plugged and abandoned and replaced with a new well (RP-67R) located within approximately 10 feet of the original well. After its installation, the new well was sampled and laboratory results indicated the selenium concentrations were below the selenium PCL.
- The recent field investigations included monitoring well installations specifically designed to evaluate the potential for there to be sources other than the Ash Pond. Specifically, one new well (CP-2S) was installed in a shallow water-bearing zone in fill material adjacent to the Coal Pile; and two new Middle Sand monitoring wells (CP-1 and CP-2) were installed in the area of, and down-gradient from, the Coal Pile. If the Coal Pile were the source or a contributing source of selenium to groundwater, one would expect to observe elevated selenium concentrations in these wells. Elevated selenium concentrations were not observed. This is consistent with past assessment work performed by LCRA which included collection and testing of water samples from seeps in the conveyor tunnels located directly beneath the Coal Pile, leaching analyses of Coal Pile samples, and testing of an existing Upper Sand monitoring well (AP-504) located down-gradient from the Coal Pile. None of these past assessments have indicated elevated selenium associated with the Coal Pile.

Given the complete plausibility of the Ash Pond as the selenium source based on operational, geochemical, and hydrological data, and the apparent absence of any other compelling evidence of a different or another source, the LCRA is reasonably confident the Ash Pond is the source of the selenium plume.

3. Why have you determined that the selenium source is not the coal pile or the coal pile runoff area?

Answer: See above comments.

4. A brief description that the coal pile and the coal pile runoff area are not connected to the ash pond.

Answer: The Coal Pile and its immediate runoff area are located more than 500 feet west of the Ash Pond and are physically separated from the Ash Pond by an interior road way, and a large drainage ditch. The drainage ditch connects to large culverts beneath the interior roadway which carry the Coal Pile runoff waters to the Coal Pile Runoff Pond. The Runoff Pond is located approximately 1200 feet south of the Ash Pond and is physically separated from the active (northern) portion of the Ash Pond by the closed (southern) portion of the Ash Pond.

5. Future plans for the ash pond and a brief discussion that you are working with our Remediation Division to close that pond and will be working on a clean-up action plan (or whatever the correct Remediation plan title is at this next phase).

Answer: The future plan for the Ash Pond is closure. LCRA has retained the engineering firm URS to affect the timely closure of this unit and we are working directly with the TCEQ Remediation Division to this end. The longer term cleanup of the selenium groundwater plume (and, potentially, a newly-detected molybdenum plume) beneath the Ash Pond will be accomplished in accordance with the TCEQ's Texas Risk Reduction Program (TRRP) requirements in TAC 30 Chapter 350. At this time, and in coordination with the TCEQ's Remediation Division, we are completing certain additional field investigations to fill remaining data gaps and, upon completion of these actions, an Affected Property Assessment Report (APAR) will be submitted to the TCEQ for approval. Upon TCEQ's approval of the APAR, the LCRA will prepare and implement a Response Action Plan (RAP).

6. I understand you are also working on identifying or understanding that molybdenum source, but that the investigation is still ongoing in this matter. Perhaps a brief discussion that the investigation into the Mo is ongoing.

Answer: Correct. Recent analytical data and historic trends from a single monitoring well (AP-406) have indicated the presence of a molybdenum groundwater plume. This well is located down gradient of the Ash Pond. LCRA has commissioned the consulting firm AMEC to design and implement an assessment of the molybdenum plume. The current plan involves the installation of additional groundwater monitoring wells in the vicinity of AP-406 for the purposes of better defining the lateral and down-gradient extent of this plume. The field work is scheduled to begin within the next few weeks. Based on the data obtained from this study, LCRA will develop additional assessment and or response action plans, as applicable. As with

the selenium plume, the LCRA is working directly with the TCEQ Remediation Division regarding the molybdenum occurrence.

If you have any questions, please don't hesitate to call me at (979)249-8774.

Thank you,

A handwritten signature in cursive script that reads "Beckie L. Loeve". The signature is written in black ink and is positioned above the typed name and contact information.

Beckie Loeve
Environmental Supervisor
LCRA - Fayette Power Project
6549 Power Plant Road
La Grange, Texas 78945
E-Mail: beckie.loeve@lcra.org

Texas Commission on Environmental Quality
Investigation Report
 Lower Colorado River Authority
 CN600253637

LCRA SAM SEYMOUR FAYETTE POWER PROJECT

RN100226844

Investigation # 995057

Incident #

Investigator: MICHAEL DANIELS

Site Classification

INDUSTRIAL MAJOR

Conducted: 03/15/2012 -- 03/15/2012

NAIC Code: 221112

NAIC Code: 221119

SIC Code: 4911

Program(s): WASTEWATER

Investigation Type : Compliance Investigation

Location : 7 MILES EAST OF LA
GRANGE, TX ON NORTH SIDE OF
HWY. 71Additional ID(s) : WQ0002105000
TX0073121Address: 6549 POWER PLANT RD; LA
GRANGE, TX 78945

Activity Type : REGION 11 - AUSTIN

WWCCIMDMAJ - WW CCI Mandatory Major

Principal(s) :

Role	Name
RESPONDENT	LOWER COLORADO RIVER AUTHORITY

Contact(s) :

Role	Title	Name	Phone
Participated In Investigation	ENVIRONMENTAL COORDINATOR	MR JAY JANCA	Cell (979) 249-7202 Work (979) 249-8661
Participated In Investigation	ENVIRONMENTAL SUPERVISOR	MS BECKIE LOEVE	Work (979) 249-8774 Cell (512) 663-4153
Regulated Entity Mail Contact	PLANT MANAGER	MR KENT DAWSON	Work (979) 249-3111

Other Staff Member(s) :

Role	Name
Supervisor	SHEA COCKRELL

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
WQ GENERAL CCI CHECKLIST	Fayette Power Plant
WQ INVESTIGATION - EQUIPMENT MONITORING AND SAMPLING	Fayette Power Plant

Investigation Comments :

INTRODUCTION

The LCRA Fayette Power Project was investigated on March 15, 2012, to determine compliance with applicable wastewater treatment regulations. This investigation is considered a mandatory major investigation. A verbal exit interview, explaining the results of the investigation, was

conducted on the same day of the investigation with Beckie Loeve and Jay Janca. A TCEQ Exit Interview Form was not provided since there were no violations to document. Based on the findings of this investigation, a General Compliance Letter was issued to acknowledge compliance.

GENERAL FACILITY AND PROCESS INFORMATION

The facility is permitted to discharge 1165 MGD once through cooling water at Outfall #001. The facility is permitted to discharge 2.5 MGD cooling water drained from condensers and other cooling equipment during maintenance at Outfall #002. The facility is permitted to discharge low volume wastewaters at Outfall #201. The facility is permitted to discharge low volume wastes, coal pile runoff, truck wash water, and storm water from the Coal Pile Runoff Pond at Outfalls #003 and #301. The facility is permitted to discharge low volume wastes, truck wash water, and storm water from the Combustion By-products Landfill Pond at Outfall #004. The facility is permitted to discharge treated domestic wastewater at Outfall #103. The facility utilizes chlorine to disinfect domestic wastewater prior to discharge to a holding pond.

The primary source of wastewater is industrial. A plant flow schematic is attached to this report. The facility has had no significant plant modifications and/or collection system upgrades associated with wastewater since the last comprehensive investigation. However, there have been modifications to the power plant operation including installation of wet scrubbers to Units 1 and 2. The overflow water from the wet scrubbers is discharged into the reclaim pond for water re-use in the flue gas desulfurization process. Solids from the wet scrubbers are recovered as gypsum and either sold or disposed into the combustion byproduct landfill. The installation of the wet scrubbers has allowed the facility to remove the ash storage pond. None of these changes has changed the wastewater outfall locations or sampling points.

Flow measurements are estimated by using pump curves. The pump curves were not reviewed during this inspection.

The effluent samples are collected by the operator and analyzed by LCRA Environmental Laboratory for the following parameters: BOD5, TSS, oil and grease, and selenium. The operator performs chlorine residual analysis, pH analyses, and temperature. LCRA Environmental Laboratory is accredited by TCEQ to perform analytical methods for the permitted parameters.

Effluent samples were collected at the end of the discharge canal (Outfall 001). The pH was 8.6 standard units. The total chlorine residual was measured with a Hach Pocket II colorimeter using the DPD method. The total chlorine residual varied between 0.07 mg/L and 0.6 mg/L. According to the permit, "the term total chlorine residual (or total residual oxidants for intake water with bromides) means the value obtained using the amperometric method for total residual chlorine described in 40 CFR Part 136." This item is discussed further in the Additional Information section of this report. Outfalls 002, 003, 301, and 004 were not discharging, so samples were not taken. Samples were taken from Outfall 103 (the domestic wastewater treatment plant) for TSS and BOD. The chlorine residual at Outfall 103 was measured to be 2.2 mg/L, and the pH at Outfall 103 was 7.7 standard units. Samples were taken at Outfall 201 for TSS and oil and grease. The pH was measured to be 7.55 standard units at Outfall 201. Samples were also taken from storm water outfalls at two locations, see attached map. The storm water was clear at both outfalls, free of foam and floating materials, and supported aquatic life. Sample analysis results, a sampling map, and the chain of custody are attached to this report. Sample results were compliant with permit limits.

BACKGROUND

A file review was performed as part of the investigation. The last wastewater compliance investigation was conducted on March 4, 2010. Three violations were alleged for failure to prevent unauthorized discharges, failure to meet TSS limits, and for incorrect sampling technique. All violations were resolved. There are no pending or existing enforcement cases; and, there have been no wastewater complaint investigations since the last investigation. There have been no unauthorized discharges of wastewater reported in the last 18 months. There have been no effluent violations in the previous twelve months. In November 2010, the TCEQ Austin Region Office conducted an Emergency Response inspection due to a seep from the coal ash pond. The coal ash pond is regulated as a Solid Waste Management Unit, see Investigation Report Number

864796 for more information. No violations were alleged, and one Additional Issue was reported for a potential discharge to an unnamed tributary to Cedar Creek.

The file review found copies of the Quarterly Selenium Progress Reports as required by the Other Requirements section of the permit. No selenium exceedances were reported in the Quarterly Reports. The ICIS database was used to review monthly DMRs since January 2010. No issues were found with the effluent results at any of the outfalls or with the biomonitoring results.

ADDITIONAL INFORMATION

The operators for the domestic wastewater treatment facility are Anabell Guerrero, with a Class B Wastewater Treatment Operator License, and Valerie Busselman, with a Class C Wastewater Treatment Operator License. The operation of the domestic wastewater treatment facility was reviewed with Ms. Guerrero. The domestic wastewater treatment facility includes two activated sludge treatment trains with aeration basins, clarifiers, sludge holding tanks, and a chlorination system for disinfection. The facility uses Hach Cl 17 chlorine analyzers to monitor and control the chlorine concentration in both wastewater treatment plants. A WTW MIQ/C184 instrument monitors the dissolved oxygen in the aeration basins in both treatment plants. The operator records daily flow readings, chlorine system readings, dissolved oxygen readings, and weather conditions in a logbook. The flow meters are in-line Signet paddle wheels. The accuracy of the meters could not be checked since the TCEQ does not have meters to verify the flow in an enclosed pipe. The accuracy of the meters is checked annually by LCRA instrument technicians. Sludge hauling tickets were available for review. The sludge is shipped by Southwaste (Transporter ID #24075) to Windermere WWTP (WQ0011931-001).

Three months of records were reviewed for July through September 2011. The records were found to be readily available and well-organized in notebooks by months with individual section tabs. The values reported on the DMRs were found to be consistent with the laboratory analysis results. A copy of the updated facility map was provided during the records review. The revisions to the facility map were to add locations of new monitoring wells and stormwater outfalls.

On March 15, 2012, LCRA sent a letter notifying the TCEQ that it had not sampled and analyzed Outfall 002 for Table 1 and Table 2 parameters during a discharge from November 29 through December 1, 2011. This is a new Other Requirement 12 on page 17 of the permit that was issued on August 30, 2011. The letter also acknowledged that LCRA failed to sample and analyze Outfall 003 for Table 1 and Table 2 parameters during a discharge from March 6 through March 8, 2012. LCRA discovered the oversight on March 14, 2012, and verbally reported the item to TCEQ Enforcement Division and TCEQ Region 11. LCRA will report the occurrence on the March 2012 DMR. LCRA has sampled a discharge from Outfall 002 on March 19, 2012, and a discharge from Outfall 003 on March 26, 2012. A copy of the chain of custody for each sample is attached to this report. This item will be resolved as an Area of Concern.

The sample at Outfall 001 showed a variation in the residual chlorine concentration to be 0.07 mg/L to 0.6 mg/L when measured with a Hach colorimeter and the DPD method. It was not clear why there was such a significant variation in the analysis result. The permit specifically states that an amperometric titration method is required to measure the chlorine residual. A review of the QA/QC analysis spikes routinely shows a percent recovery of 45% to 65%. This is an indication that there is a matrix interference in the amperometric chlorine analysis. Based on this information, I requested that additional spike concentrations of two times and three times the standard spike concentration should be run to determine the effect of the matrix interference. Since the permit specifically requires the amperometric titration method to measure chlorine, the chlorine readings of greater than 0.2 mg/L with the Hach meter will be identified as an Additional Issue. LCRA has agreed to continue to work the TCEQ Austin Region Office to determine the cause of the low percentage recovery for QA samples.

<u>NOV Date</u>	<u>Method</u>
04/13/2012	AREA OF CONCERN
	AREA OF CONCERN

Track No: 463913

Resolution Status Date: 4/12/2012

Violation Start Date: 12/1/2011

Violation End Date: 3/19/2012

30 TAC Chapter 305.125(1)

PERMIT WQ0002105000, Other Requirement 12, page 17

Additional sampling and reporting requirements for Outfalls 002, 003, and 004

Alleged Violation:

Investigation: 995057

Comment Date: 04/12/2012

Failure to collect and analyze samples required by Other Requirement 12. The permit renewal issued on August 30, 2011, required that three Outfalls (002, 003, and 004) shall be sampled when they are first discharged. A discharge occurred at Outfall 002 on November 29, 2011, and a sample was not collected. A discharge occurred at Outfall 003 on March 8, 2012, and a sample was not collected. There has not been a discharge at Outfall 004 since August 30, 2011.

Recommended Corrective Action: Collect, analyze and report samples from Outfalls 002, 003 and 004 according to Other Requirement 12 on page 17 of the permit.

Resolution: On March 15, 2012, the LCRA submitted an action plan to complete the required sampling and reporting. The first sample was collected for Outfall 002 on March 19, 2012, and the first sample was collected for Outfall 003 on March 26, 2012.

Additional Issues

Description ITEM

Additional Comments

Quality Assurance recoveries for chlorine analysis of Outfall 001 show typical ranges of 45% to 65%. The cause of the low chlorine recovery should be determined to verify the accuracy of the amperometric titration determination of chlorine concentrations.

Signed Michael Davis
Environmental Investigator

Date 12-April-2012

Signed [Signature]
Supervisor

Date 04/13/2012

Attachments: (in order of final report submittal)

Enforcement Action Request (EAR)

Letter to Facility (specify type): General

Investigation Report Compliance

Sample Analysis Results

Manifests

NOR

Maps, Plans, Sketches

Photographs

Correspondence from the facility

Other (specify):

Attachment 1 - Areas of Concern
Documentation

Attachment 2 - Additional Issue
Documentation

ATTACHMENT 1

Response to TCEQ review comments listed in their letter *Affected Property Assessment Report (APAR), Phase II, dated September 17, 2010* which were not fully addressed in the subsequent LCRA response letter dated April 27, 2011

Attachment No. 1 – LCRA Response to TCEQ Comments on the Affected Property Assessment Report, dated September 17, 2010, LCRA – Fayette Power Project

TCEQ Response No. 1

*Conclusions and Recommendations Section
Section 1.3 Geology/Hydrogeology*

- 1. p 15 The APAR describes a possible paleo-channel in the Middle Sand that may be a preferential pathway for groundwater flow and COCs. Please include the approximate location of this apparent paleo-channel on a facility map in relation to the waste management units and groundwater monitoring wells.*

LCRA Response (April 27, 2011): The possible existence of a paleo-channel is inferred based on a previously constructed Middle Sand isopach map that indicates a greater Middle Sand thickness near the Cedar Creek Reservoir dam, and an area immediately north of the Reclaim Pond aligned approximately north to south. The presence of such a channel will be further evaluated from the geologic information gained through additional assessment activities, and reported in an APAR Addendum.

Additional LCRA Response (March 2014): Based on the site-wide hydrogeologic database, including additional hydrogeologic evaluation activities conducted in the area of the Combustion Byproducts Landfill (AMEC, December 2013), there is no evidence of a paleo-channel existing within the Middle Sand. Instead, the Middle Sand itself is a paleo-channel deposit. As described in Galloway, et. al (1982), the FPP site lies within an axis of Miocene-age stacked ephemeral stream sands and associated crevasse splay sand over-bank deposits, with the primary inferred drainage axis generally oriented northwest to southeast (see Figure 4). The Middle Sand spans the majority of the site (it is absent toward the south) and, therefore, on a local scale (i.e., site) there does not appear to be channelized flow, and certainly not in the context of preferential COC migration that would possibly escape being detected by the current Middle Sand monitoring well network. Based on this, additional assessment for paleo-channels within the Middle Sand is not warranted.

TCEQ Response No. 2

2. *Figure 1B-Affected Property Map -- Why does the affected property exclude CBL-401 and 138, and C2L-412? These wells have also experienced sampling events with elevated COCs?*

LCRA Response (April 27, 2011): The Affected Property Assessment (APA) was prepared to respond to the Texas Risk Reduction Program's requirements for the closure of the Ash Pond. Consequently, the initial focus of the APA was to determine the source of elevated selenium concentrations in monitoring wells AP-407 (near the Ash Pond) and RP-67 (near the Reclaim Pond). During the course of the groundwater investigation, additional chemicals of concern (COC) were assessed southeast of the closed Coal Ash Pond towards Cedar Creek.

LCRA recently initiated a geologic assessment to prepare for the expansion of the Combustion Byproducts Landfill (CBL). During this assessment, in addition to collecting the required geologic information to support the expansion, LCRA also plans to investigate the possible sources of COCs detected in monitoring wells CBL-401, CBL-138, and C2L-412. These monitoring wells are associated with waste management units located within the Baylor Creek watershed. This new assessment will serve to address the TCEQ's concerns within this area of the plant site while ensuring that the TRRP process for closure of the Ash Pond proceeds in a timely manner. LCRA is proposing to report results from this recently initiated assessment separately from the APA completed for closure of the Ash Pond.

Additional LCRA Response (March 2014):

As part of the Hydrogeologic Evaluation of Combustion Byproducts Landfill (CBL) Area Report (AMEC, December 2013), LCRA investigated the possible sources of COCs detected in monitoring wells CBL-401, CBL-138, and C2L-412. Concurrent with the CBL Area Study, LCRA also conducted an evaluation of the Upper Sand, herein referred to as the Upper Sand Assessment (AMEC, June 25, 2013).

The COCs exceeding PCLs referenced in the TCEQ response are as follows:

- C2L-412 (screened in the Upper Sand): arsenic, having sporadic detections above the groundwater residential and industrial PCL of 10 micrograms per liter (ug/L).
- CBL-138 (screened in the Middle Sand): cobalt, having consistent detections above the cobalt residential groundwater PCL of 7 ug/L, but below the commercial-industrial PCL of 22 ug/L.
- CBL-401 (screened in the Middle Sand): cobalt, having consistent detections above the cobalt residential groundwater PCL of 7 ug/L, but below the commercial-industrial PCL of 22 ug/L.

C2L-412

The Upper Sand Assessment verified that the Upper Sand GWBU is designated a Class 3 GWBU under TRRP. This Class 3 designation was based on the assessment findings, which documented the Upper Sand's limited lateral extent, ephemeral saturation in several areas, and low groundwater yields to wells completed in the Upper Sand. The designation was approved by the TCEQ (TCEQ, September 10, 2013), with the acknowledgement that the potential for any groundwater to surface water pathways are to be evaluated in future site investigations. Despite the fact that the Upper Sand outcrops in numerous areas across the site, no Upper Sand groundwater seeps have been identified. As such, there is no identified groundwater to surface water pathway. Furthermore, the distance from the western margin of the Upper Sand to Baylor Creek is approximately 2600 ft.

Given the Upper Sand's designation as a Class 3 GWBU, the TRRP groundwater PCLs have been revised accordingly for the Upper Sand (Table 5B-2). As such, excluding the outlier result for mercury (monitoring well CBL-307U in April 2012 sampling event), there are no groundwater PCL exceedances for any COC in any well completed in the Upper Sand, including C2L-412.

CBL Monitoring Wells

Prior assessment work documented in the APAR indicated the COC impact to the Middle Sand was the result of one of two scenarios across the FPP facility:

1. Excessive removal of the native clay bottom liner in the Coal Ash Pond through initial construction and later ash removal operations in the Coal Ash Pond, allowing a release of impounded ash pond liquids into the underlying Middle Sand.
2. Faulty annular seals in existing monitoring well RP-67 (subsequently plugged and abandoned, then replaced by RP-67R), allowed for communication of localized perched groundwater with underlying Middle Sand groundwater.

There were no identified sources for elevated cobalt concentrations in the Middle Sand in the CBL area based on a review of current and historic FPP operations. As part of the CBL Area Study, two new monitoring wells were installed adjacent to the CBL-138 location (CBL-300U, screened in the Upper Sand, and CBL-300M screened in the Middle Sand), and a new monitoring well was installed adjacent to the CBL-401 location (CBL-401M, also screened in the Middle Sand).

The study supported the Scenario No. 2 conclusion at CBL-138. Cobalt concentrations in groundwater from CBL-300M are below the TRRP groundwater Residential PCL and are an order of magnitude lower than those in the adjacent CBL-138. This has been demonstrated over eight quarterly sampling events to date (Table 5B-1). It is noted that cobalt concentrations in CBL-300U are roughly double those observed in CBL-138, leading to the conclusion that CBL-138 sampling data is influenced by leakage through the annular seal from the overlying Upper Sand. The CBL-300U cobalt concentrations are below the residential groundwater PCL applicable to the Upper Sand. As such, LCRA has received

approval from TCEQ to modify its groundwater monitoring program to replace CBL-138 with CBL-300M. Existing well CBL-138 has been plugged.

Evaluation of conditions adjacent to CBL-401 are inconclusive at this point. CBL-401M cobalt concentrations are consistent with those observed in CBL-401. Both wells are located up-gradient of the Combustion By-Products Landfill. Over the course of eight quarterly groundwater monitoring events, observed cobalt concentrations in CBL-401M have exceeded the residential groundwater PCL of 7 ug/L five times, and four of those exceedances were by less than 2 ug/L. However, neither well has ever exceeded the Commercial/Industrial groundwater PCL of 22 ug/l.

Regarding monitoring well CBL-401M, we do note a Residential PCL exceedance for Manganese in the January 2012 and April 2012 sampling events. Manganese concentrations have been well below the PCL for the following six sampling events. We also note an outlier result for Thallium in the January 2013 event. Three subsequent sampling events confirm Thallium concentrations below the detection limit.

We have noted other outlier analytical results from certain well samples in the CBL Area. These include the following:

- CBL-301I (October 2012 event): one-time (over 10 sampling events) PCL exceedances observed for the analytes aluminum, cobalt, and lead.
- CBL-302I (July 2013 event): one-time (over 9 sampling events) PCL exceedances observed for the analytes aluminum, cobalt, iron, lead, and manganese.

In both of these cases, an anomalous spike was observed in the aluminum concentrations over prior and subsequent events, and field sampling notes reporting turbid samples, which leads to the conclusion that the anomalous results correlate to the presence of sediment in the samples, and are not truly representative of dissolved concentrations in groundwater. This observed "aluminum spike" was also noted in the CBL-401M samples discussed above where elevated manganese was observed.

Lastly, a one-time (over 8 sampling events) PCL exceedance for cobalt was observed in the April 2013 sampling event for monitoring well CBL-306I (10.9 ug/L).

With the exceptions discussed above, no other cobalt exceedances in the Middle Sand are observed in the entire CBL area, and it is possible the conditions observed are a local background anomaly. LCRA will continue monitoring CBL 401 and downgradient Middle Sand wells as part of our routine monitoring to verify that the cobalt residential groundwater PCL exceedance in CBL-401 is isolated to the small area and that the observed concentrations are attenuating or remain relatively stable.

LCRA will conduct some additional investigation monitoring of CBL-301I and 302I, including analyzing for both total and dissolved metals to confirm our conclusions above.

TCEQ Response No. 3

3. *Figure 1E-2-Regional Cross Section A-A' Well CP-2 is shown to be drilled to the Lower Sand. According to the bore log, it appears that this well was drilled to and screened within the Middle Sand. It also appears that the Middle Sand elevations shown on this cross section are slightly different from what the bore logs appear to show for wells RP-67R and RP-1 (the bore logs seem to indicate that the Middle Sand starts at 324' amsl in RP-67R and at 304.6' amsl in RP-1. Please clarify.*

LCRA Response (April 27, 2011): The geologic cross section incorrectly referenced 'B20,' a 1982 geotechnical assessment boring, as 'CP-2.' The 'B20' information is included to indicate the presence of the Lower Sand water bearing unit. Monitoring well CP-2 is completed in the Middle Sand, and has a similar lithologic section above the Middle Sand to that shown in the B20 lithologic log.

The boring log for RP-67R shows the Middle Sand at approximately 321' MSL when using the approximate ground surface elevation of 353 MSL provided in Table 5D. Likewise, the top of the Middle Sand in RP-1, using the ground surface elevation from Table 5D, is approximately 302' MSL. However, after closer examination, it was determined that several wells were shown incorrectly in Figure 1E-2. A revised and corrected figure is attached (to LCRA's April 27, 2011 response).

Monitoring well RP-1 was installed in 1988 and RP-67R was installed in 2010. The Middle Sand, as logged in RP-1, does not appear to be as well defined as it is in RP-67R. The geologic assessment for the CBL expansion referred to in the response to TCEQ Comment No. 2 will provide additional lithologic information in an effort to determine the continuity (or lack of) and/or changes in the physical characteristics of the sand units from east to west across the FPP property.

Based on additional acquired information, including data from past geotechnical assessments, three additional modifications have been made to Figure 1E-2 as follows:

- A discontinuous intermediate sand body is now shown above the Middle Sand at well location MW-501. This will be further evaluated in forthcoming assessment activities;
- The Lower Sand body does not appear in the DH-136 boring (had been incorrectly included based on a prior cross-section). A copy of the lithologic log has now been obtained, and shows the Lower Sand was not encountered;
- The shallow (less than 15 feet deep) stratigraphy between wells AP-407 and AP-504 has been revised slightly in both Figure 1E-2 and 1E-3 to reflect the greater heterogeneity present in those locations where reworking and fill operations were conducted during facility construction.

Additional LCRA Response (March 2014): The TCEQ concurred with the LCRA's April 27 Response by letter dated July 21, 2011, and no additional updated response is required.

TCEQ Response No. 4

Section 2.4 Receptor Survey Results

4. *It should be noted that the full extent of surface/groundwater contamination has not been determined off-site, and an additional receptors evaluation will be included in the addendum to the APAR to include the results of the additional investigation.*

LCRA Response (April 27, 2011): LCRA agrees. Adjacent landowners have been contacted and LCRA is currently negotiating easement agreements to access the property and complete the assessment.

Additional LCRA Response (March 2014): LCRA finalized the easements with the adjacent landowners in October and November of 2011. After successfully addressing access issues, off-site wells (OS-1 through OS-5) were installed in June of 2012. Furthermore, LCRA installed new on-site monitoring wells MW-512, MW-513, and MW-514, and reinstated AP-405 as a monitoring point. Based upon the sampling of the new wells and existing on-site wells, LCRA has completed additional assessment of the area southeast of the closed Coal Ash Pond (Figures 10 and 11). Each of the groundwater sampling wells mentioned above has subsequently been sampled on a quarterly basis to provide a better understanding of the nature and extent of COCs in Middle Sand groundwater.

In addition, the LCRA has completed a Screening-Level Ecological Risk Assessment (SLERA) (see Formation Environmental, July 2013, Revised February 2014) to assess both surface water and sediment data in Cedar Creek, located immediately adjacent to the closed Coal Ash Pond in the path of Middle Sand groundwater transport. Cedar Creek is continuously fed by a flow (approximately 224 gallons per minute) from the Cedar Creek Reservoir, with an additional approximate 15 gallons per minute released by the Reservoir dam toe-drain system. The SLERA was conducted at both on-site and off-site locations to assess concerns regarding potential ecological receptors.

Cedar Creek Reservoir undergoes seasonal thermal stratification and behaves as a dimictic lake, with two natural mixing events per year. As such, SLERA sediment and surface water sampling activities were conducted in two events, October and December of 2012, corresponding to periods of natural reservoir stratification and mixing respectively.

Key findings from the additional groundwater assessment and the SLERA are as follows:

- The Middle Sand GWBU is present at each of the new well locations. Its upper surface is either in direct contact or very close contact with the Cedar Creek drainage channel (Figure 12).
- Groundwater flow within the Middle Sand is strongly influenced by Cedar Creek. Cedar Creek serves as a gaining stream, and coincides with the lowest potentiometric surface elevation observed in the Middle Sand (Figure 11). As such, the net Middle Sand groundwater flow path is toward Cedar Creek.

- The COCs in the Cedar Creek area are cobalt, manganese, and molybdenum, consistent with earlier findings presented in the APAR. Both cobalt and molybdenum groundwater ingestion PCL exceedances are observed in new monitoring well MW-512, immediately adjacent to the east bank of Cedar Creek, on FPP property.
- Manganese groundwater ingestion PCL exceedances are only consistently observed in on-site monitoring well MW-510. The manganese groundwater PCL exceedance has not been observed in any of the off-site wells, and only sporadically in any of the other on-site wells (Figure 15).
- Only cobalt PCL exceedances are consistently observed off-site, and only in the well in closest proximity to the closed Coal Ash Pond, OS-1. Molybdenum PCL exceedances have not been observed in the off-site wells.
- The cobalt PCLE Zone extends approximately 250 feet off-site, along the western side of Cedar Creek (Figure 14). The molybdenum PCLE zone is present only on the FPP property (Figure 16).
- The groundwater results obtained from the seven sampling events conducted to date in off-site well monitoring events appear to demonstrate a stable plume configuration for cobalt, manganese, and molybdenum. The COC attenuation mechanisms are a combination of groundwater dilution and re-precipitation of metals with gradual attainment of natural redox conditions. The attenuation mechanism will be further discussed in the forthcoming Response Action Plan.
- Cobalt concentrations have fallen below the PCL in monitoring well AP-406, beginning with the April 2012 quarterly monitoring event. This may be a result of perimeter leachate collection system modifications conducted for the closed Coal Ash Pond embankment as part of the pond closure.
- The SLERA confirmed that although groundwater seepage into Cedar Creek does increase surface water concentrations of several COCs, the concentrations in surface water and sediments do not pose a risk to Cedar Creek ecological receptors. Surface water COC concentrations are also below human health PCLs and applicable RBELs (see Table 12B, Table 12D, and Appendix 6).
- Analysis of groundwater samples in groundwater monitoring wells serving as Point of Exposure wells at the groundwater-to-surface water interface (AP-6, AP-406, AP-510, AP-511, AP-512, OS-1, and OS-3) shows sporadic exceedances of the groundwater-to-surface water PCLs for aluminum, iron, and manganese as follows:

Aluminum

- AP-510 [one event (July 2011) out of nine events].
- AP-511 [two events (October 2010 and April 2011) out of nine events].
- OS-1 [two events (June 2012 and January 2013) out of seven events].
- OS-3 [one event (September 2012) out of seven events].

It is recognized that turbidity may have affected sampling data quality, particularly with respect to metals. As such, LCRA also conducted groundwater sample field filtration, using the approved 10-micron filter media, for the April 2013 samples collected from off-site wells OS-1 through OS-5. The filtered groundwater sample data is further discussed below.

Table 12F-1 and Table 12F-2 have been prepared to further evaluate aluminum as a COC. Table 12F-1 shows a comparison of aluminum concentrations between background wells (here defined as wells not hydraulically downgradient of groundwater released from the closed Coal Ash Pond), wells downgradient of the closed Coal Ash Pond, and CAP-1 (installed in the closed Coal Ash Pond). Additional analytes considered pertinent as Ash Pond release indicators are also included. These analytes are cobalt and molybdenum (considered the COCs requiring further response action), and sulfate (considered the Ash Pond release tracer compound).

Monitoring wells AP-513, AP-514, OS-4, and OS-5 are considered background wells in the closed Coal Ash Pond area, since they occur on the opposite side of Cedar Creek and are isolated from the closed Coal Ash Pond release based on potentiometric surface measurements (see Figure 11), and observed sulfate concentrations. Note, sulfate levels in facility background well MW-500 are consistently below 530 mg/L, and sulfate levels in AP-513, AP-514, OS-4, and OS-5 are consistently below 200 mg/L.

Wells affected by closed Coal Ash Pond release (AP-405, AP-406, AP-509, AP-510, AP-511, AP-512, OS-1, OS-2, and OS-3) consistently show sulfate levels above 530 mg/L. Samples from monitoring well AP-6, though downgradient of the closed Coal Ash Pond, and formerly showing elevated sulfate concentrations, now show a downward trend from the 701 mg/L result detected in January 2012.

Table 12F-2 shows the mean aluminum concentrations in groundwater samples collected from background wells, and background well MW-500, in comparison to mean aluminum concentrations from wells affected by closed Coal Ash Pond release. As a conservative measure: non-detects were assigned the detection limit concentration; where duplicate samples were collected, only the higher concentration results are used; and AP-6 data was excluded from the "Affected Wells" data, as indicator COCs are not obviously elevated with respect to background wells. Two comparisons are provided, one for unfiltered sample data, and one for filtered sample data from the April 2013 sampling event.

The unfiltered sample data comparison shows no correlation between aluminum concentrations in background groundwater (mean aluminum concentration of 3.22 mg/L), and Ash Pond-affected groundwater (mean aluminum concentration of 1.24 mg/L). In fact, AP-512, the well expected to be most affected by Ash Pond release based on sulfate, cobalt, and molybdenum data, shows no aluminum PCL exceedances, and the mean concentration for aluminum, analyzed for 6 sampling events, is 0.31 mg/L.

The filtered data shows no aluminum PCL exceedances, and the data comparison again shows no correlation between aluminum concentrations in background groundwater (mean concentration of 0.65 mg/L) and closed Ash Pond release-affected groundwater (mean concentration of 0.14 mg/L).

Based on these findings, the LCRA does not consider aluminum to be a COC requiring a further response action.

Iron

One groundwater-to-surface water PCL exceedance was observed in OS-3 over the seven sampling events conducted to date. The observed exceedance is considered an outlier, and observed only in the first sampling event, which was conducted in September 2012. No groundwater-to-surface water exceedances have been observed since. Based on these findings, the LCRA does not consider iron to be a COC requiring a further response action.

Manganese

Four groundwater-to-surface water PCL exceedances were observed in AP-510 over ten sampling events conducted to date, although no exceedances have been observed since July 2012. This may be a result of improved groundwater conditions observed following closed Coal Ash Pond perimeter leachate collection system modifications. Manganese concentrations in AP-510 do, however, exceed the groundwater ingestion PCL in nine of the ten sampling events conducted to date.

No additional assessment activities are proposed beyond the implementation of a groundwater monitoring program to document COC attenuation and plume stability, and verification of improved conditions. The target analytes for this evaluation are proposed as follows:

- Cobalt
- Manganese
- Molybdenum
- Sulfate (for use as a closed Coal Ash Pond plume tracer)

This approach will be detailed in a forthcoming Response Action Plan.

TCEQ Response No. 5

Section 2.6 Exposure Pathways

5. *Because there was a break in the toe drain pipe near the sump on the eastern side of the ash pond that Field Office inspected, and because the unnamed tributary in the vicinity of that leak is elevated in several of the metals tested, it seems that the facility will need to expand their APAR to include the surface water assessment and a soil assessment in the vicinity of that break. Additionally, a seep called Cedar Creek Seep apparently is coming from the vicinity of the ash pond and the metals found in this seep (described in Table 6B) are elevated. The facility will need to investigate the soils and surface water near this seep.*

LCRA Response (April 27, 2011): LCRA agrees. The planned supplemental APA for the Ash Pond closure will include the surface water assessment and a soil assessment in the vicinity of the toe drain pipe break and Cedar Creek Seep.

Additional LCRA Response (March 2014): As part of LCRA's Coal Ash Pond closure operations, repairs were implemented to the closed Coal Ash Pond embankment's perimeter leachate collection system, which included the repair of the above --mentioned pipe. As part of that repair, soil samples were collected and analyzed for the key COCs in this area, cobalt and molybdenum. The analytical results are summarized in the attached Table 4A. The cobalt and molybdenum concentrations are below the applicable PCLs for soils and sediments, and surface water concentrations are below applicable RBELs. The groundwater-surface water pathway assessment is further detailed in Section 6.0, with supporting information provided in Appendix 6.

Surface water and sediment samples have been collected as part of the SLERA, (Cedar Creek Seep data is also included in Table 12E-2), and it was determined concentrations of COCs do not pose a risk to Cedar Creek ecological receptors.

TCEQ Response No. 6

Section 5 Groundwater Assessment

6. *There is some confusion regarding the emplacement of monitoring well CP-2. Figure 1E-2 Cross Section A-A' depicts CP-2 extending from ground surface to the lower sand approximately 140 ft deep with no depiction of the screened interval. Section 5.2 Coal Piles states CP-2 was completed in the middle sand, which, according to the above mentioned cross section, would be approximately 90 ft deep. The Log of Well in Appendix 2 shows the well completed to a depth of 62.5 feet, screen from 40-55ft. The State of Texas Well Report in Appendix 6 states a total depth of 65 ft. and gravel packed from 53-65 ft. Please resolve these differences.*

LCRA Response (April 27, 2011): Monitoring well CP-2 was completed within the Middle Sand. As discussed above, the well lithology shown in the Figure 1E-2 cross section is from prior geotechnical boring B20, and not from CP-2. Monitoring well CP-2 was drilled to a depth of 62.5 feet as shown on both the well log and State of Texas Well Report for well CP-2. The State of Texas Well Report for CP-2 correctly shows the gravel pack from 38-55 feet. A revised Figure 1E-2 is attached.

It is possible that TCEQ may have been viewing the State of Texas Well Report for Well RP-72 instead of CP-2. The State of Texas Well Report for Well RP-72 states a total depth of 65 feet and gravel packed from 53-65 feet.

Additional LCRA Response (March 2014): The TCEQ concurred with the LCRA's April 27 Response by letter dated July 21, 2011, and no additional updated response is required.

TCEQ Response No. 7

7. Section 5.2 - *This section discusses the nature and extent of selenium contamination. However, Table 5B documents various metal contaminants in CP-2S. No mention is made of these constituents in the narrative portion of the report. The report states that it focuses on selenium. It should be noted that a complete APAR should be submitted that will consider the documentation of other contaminants, not a single contaminant. The last sentence states that the Supplemental APAR activities will evaluate the full nature and extent of COCs documented in groundwater and seep water southeast and east of the Ash Pond and will include performance of a SLEPA. It should be noted that groundwater contamination in the vicinity of the Reclaim Pond and Coal Piles should be fully documented.*

LCRA Response (April 27, 2011): LCRA agrees. We plan to address the COCs in CP-2S in the Supplemental APA for the Ash Pond. Also, as stated in LCRA's response to TCEQ Comment No. 2, LCRA plans to investigate the possible sources of COCs detected in monitoring wells CBL-401, CBL-138, and C2L-412.

Additional LCRA Response (February 2014): Groundwater present in CP-2S appears to be associated with saturated soils in hydraulic communication with reworked Upper Sand groundwater-bearing media, fill material, and naturally present clayey strata. In a letter dated September 10, 2013, TCEQ approved the site-wide classification of the Upper Sand as a Class 3 groundwater resource and thus Class 3 groundwater PCLs are used as the regulatory thresholds for groundwater. As such, data from analysis of CP-2S groundwater samples are now compared to the Class 3 PCLs, and no PCL exceedances are observed (see Table 5B-2). Therefore, we will no longer sample CP-2S.

For monitoring wells CBL-401, CBL-138, and C2L-412, please refer to the discussion provided in Response No.2.

TCEQ Response No. 8

8. *Figure 5B--Selenium Groundwater PCLE Zone Map - As part of the Response Action Plan (RAP), please include a plan for quarterly sampling of groundwater from monitoring wells in this area so as to allow for the determination of plume configuration (growth, shrinkage, movement) of the Selenium PCLE zone.*

LCRA Response (April 27, 2011): The Response Action Plan will include a plan for monitoring the Selenium Groundwater PCLE Zone to determine plume configuration.

Additional LCRA Response (March 2014): The LCRA continues to conduct groundwater monitoring across the FPP site, including the area of identified selenium PCL exceedance in the Middle Sand. Analytical results (Table 5B-1) continue to show a stable selenium PCLE plume configuration (Figure 17). Monitoring well AP-407 continues to be the only monitoring well in the Middle Sand having concentrations exceeding the PCL for selenium. Monitoring well CAP-1, screened within the saturated closed Coal Ash Pond media (the source area), has been sampled over several events, and is the only other well having samples with selenium concentrations above the PCL for selenium.

The LCRA proposes to continue monitoring the selenium Groundwater PCLE Zone to verify that concentrations are stable as part of the forthcoming Response Action Plan.

TCEQ Response No. 9

9. *The potentiometric surface may intersect the ground surface in the unnamed drainage near AP-502 and RP-67R. LCRA should investigate for any seeps and do some grab samples just to determine if metals are present in the Middle Sand in that location.*

LCRA Response (April 27, 2011): LCRA agrees. The Supplemental APA activities will include an investigation for seeps. If found, grab samples will be collected.

Additional LCRA Response (March 2014): As part of general site operations reconnaissance, the LCRA has routinely conducted a visual assessment of the referenced area (Figure 13). There have been no observations of groundwater seepage at this location. It is also noted that the referenced area is outside of any identified PCLE Zones. Therefore, we do not propose any further actions to identify seeps in this area.

TCEQ Response No. 10

10. LCRA should conduct field investigations on the western edge of the facility to look for seeps from the Upper Sands that the Class II Landfill wells are completed within. C2L-412 exceeds the TRRP PCL for Class I residential groundwater for arsenic, and molybdenum. If there are seeps, LCRA needs to evaluate the potential for surface water and soil impacts.

LCRA Response (April 27, 2011): LCRA agrees. The investigation for seeps is included in the scope of the geologic assessment for the CBL expansion.

Additional LCRA Response (March 2014): LCRA has completed the *Site-wide Class 3 Designation for the Upper Sand Groundwater-Bearing Unit, Fayette Power Project, La Grange, Texas*, AMEC, June 25, 2013 and the *Hydrogeologic Evaluation of the Combustion Byproducts Landfill Area*, AMEC, December 20, 2013. The reports concluded that the Upper Sand has limited lateral extent and no Upper Sand seeps were identified. In a letter dated September 10, 2013, TCEQ approved the site-wide classification of the upper sand as a Class 3 groundwater resource. The Upper Sand extent is shown in Figure 3. TCEQ approval of the findings from the *Hydrogeologic Evaluation of the Combustion Byproducts Area* report was received by letter dated March 12, 2014.

LCRA sampled the "Biegal Pond" and the "Employee Park Pond," which are down-slope from the Class 2 landfill, for the metals arsenic and molybdenum (Figure 13, data summarized in Table 12E-1). Analyses of these samples show no exceedances of applicable PCLs. These ponds are suspected to be sourced from Middle Sand discharge.

LCRA has identified four ephemeral seeps in the western portion of the facility (see Figure 13), consisting of the following:

- Production Engineering Seep – ephemeral seep from reworked fill materials. No sustained releases to surface drainage channels are observed, and released water does not leave the facility operations area. This seep is located more than 3600 feet east of Baylor Creek.
- Waste Storage Building Seep- ephemeral seep from reworked fill materials. No sustained release to surface drainage channels is observed, and released water does not leave the facility operations area. This seep is located more than 3600 feet east of Baylor Creek.
- Catch Basin (Culvert) Seep-ephemeral seep believed to originate from a French drain system constructed in association with the FPP Vehicle Maintenance Shop.
- Construction Debris Landfill (CDL) Seep- ephemeral seep believed to be in hydraulic communication with the Middle Sand. The seep drains into an ephemeral tributary of Baylor Creek, located approximately 1600 feet to the west.

LCRA has conducted sampling of these seeps on multiple occasions. Table 12E-3 summarizes the analytical data from samples collected at these seeps beginning in 2007. The Production Engineering Seep, Waste Storage Building Seep, and Culvert Seeps have been evaluated for metals. Given the status of non-release to ecological receptors, and the expected hydraulic communication between fill materials and the Upper Sand, analytical results were compared to the Upper Sand-specific PCLs. There have been no applicable PCL exceedances.

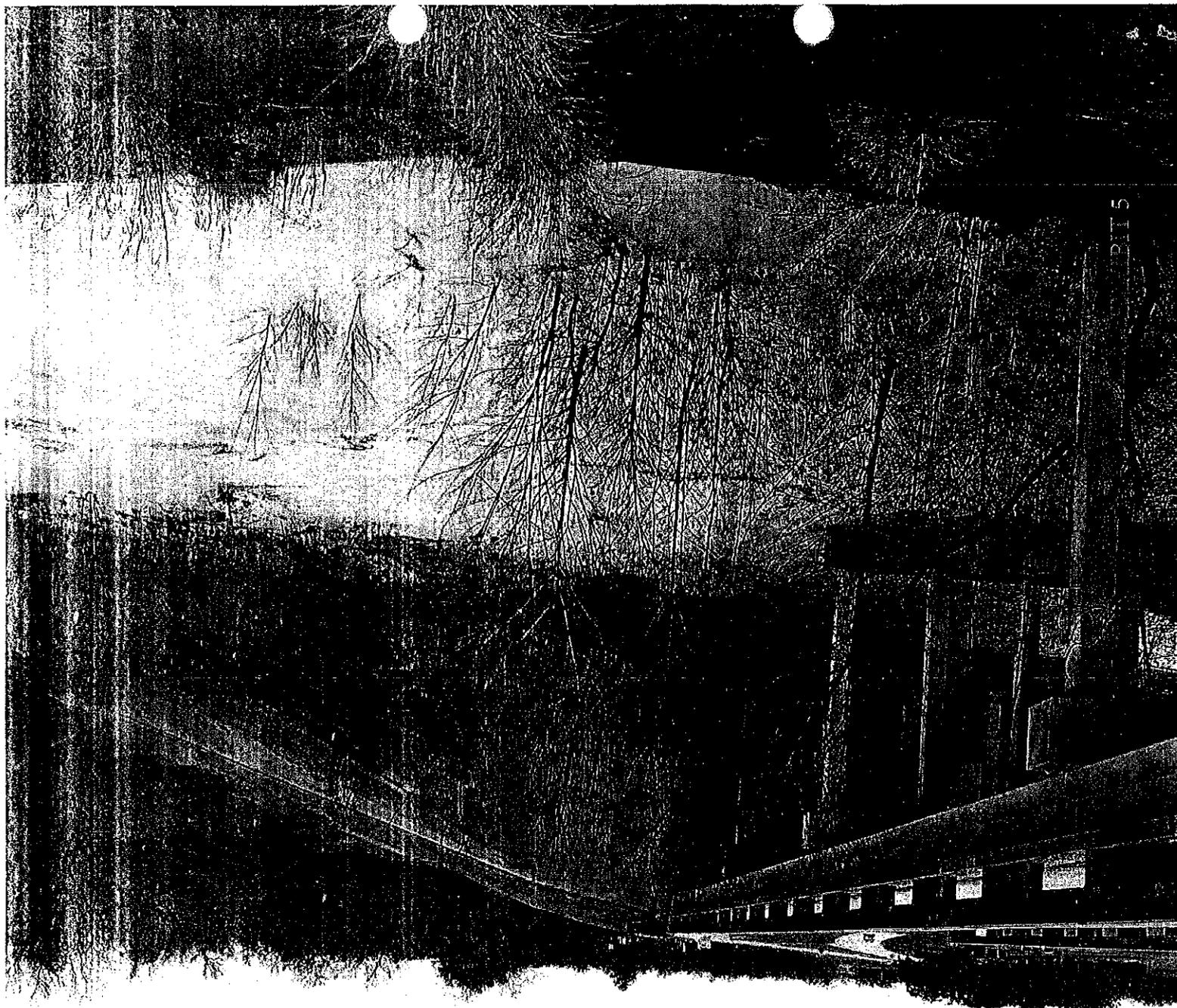
The CDL Seep has been evaluated routinely since the 1990s for multiple analytical suites, including metals, Total Petroleum Hydrocarbons (TPH), volatile organic compounds, semivolatile organic compounds, Polychlorinated Biphenyls, Pesticides, and Herbicides. There have been no indications of environmental impact. As such, LCRA has not identified any surface water or soil impacts from any seep in the western portion of FPP and has discontinued seep monitoring.

TCEQ Response No. 11

11. CBL-401 and 138 have had cobalt concentrations above the TRRP PCL for Class I residential groundwater. Please determine the source and extent of cobalt concentrations in the area around these wells.

LCRA Response (April 27, 2011): The scope of the geologic assessment for the CBL expansion includes the evaluation of COCs in groundwater, including COC source and extent.

Additional LCRA Response (March 2014): Please refer to the discussion provided in Response No. 2.



September 11, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

STAFF
DIRECTOR

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: Notice of Application and Intent to Obtain Water Quality Permit Renewal for the LCRA Fayette Power Plant, Permit No. WQ0002105000

Dear Chief Clerk:

We are writing to request a public meeting to discuss the Lower Colorado River Authority's ("LCRA") application and intent to obtain a water quality permit for the Fayette Power Plant. Each day across the United States, coal-burning power plants like the LCRA Fayette Power Plant dump millions of gallons of wastewater loaded with toxic pollutants like arsenic, boron, cadmium, chromium, lead, mercury, and selenium into our rivers, lakes, and streams. This toxic soup can be harmful to humans and aquatic life in even small doses. This pollution is discharged directly from plants and waste pits; flows from old, unlined surface impoundments that many plants use to store toxic slurries of coal ash and smokestack scrubber sludge; and seeps from unlined ponds and landfills into ground and surface waters.

LCRA's own 2010 annual groundwater monitoring report shows that groundwater near the coal ash ponds and a landfill at the Fayette Plant contains levels of arsenic, selenium, cobalt, and molybdenum exceeding Texas Protective Contamination Levels (PCLs) and federal Maximum Contaminant Levels (MCLs). Selenium levels have reached more than 4 times the PCL and MCL, cobalt levels have reached more than 3 times the PCL, and molybdenum has exceeded the federal Life-time Health Advisory by nearly 4 times and exceeded the PCL in water down-gradient or cross-gradient of ash disposal areas. Aluminum, chloride, manganese, sulfate and total dissolved solids exceed federal secondary MCLs.

Moreover, according to LCRA's report, many of the groundwater monitoring wells are located within the shallow groundwater bearing Middle Sand Unit. LCRA acknowledges that the "Middle Sand is believed to be in communication with the Cedar Creek Reservoir," and that contaminated groundwater "could migrate beyond the boundaries of the [Fayette Power Plant] property." In short, pollution from the Fayette Plant's leaking coal ash dumps could potentially impact water quality in the Cedar Creek Reservoir and nearby residential drinking water wells.

Despite this imminent public health risk, the current draft Clean Water Act permit fails to set effluent limits for almost all of the toxic pollutants found in coal ash wastewaters, or address the seeps and leaks from the plant's coal ash disposal units. In addition:

- **The current Draft Permit does not set effluent limits for the numerous toxic pollutants that are regularly discharged in coal ash wastewaters.** Under the Clean

Water Act, Clean Water Act permits must include technology-based effluent limits for all discharged pollutants. Despite the fact that EPA has identified 27 pollutants found in coal ash wastewaters (including, aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, mercury, molybdenum, nickel, selenium, silver, sodium, thallium, tin, titanium, vanadium, yttrium, and zinc), the current permit for the Fayette Plant only imposes limits on one toxic pollutant—selenium. ***The revised Clean Water Act permit must impose effluent limits that eliminate or control toxic discharges as required by law.***

- **TCEQ must also require LCRA to clean up and prevent pollution from its leaking coal ash disposal units.** Discharges, including leaks and seeps, of leachate from the Plant's coal ash impoundments and landfills to surface waters and/or groundwater with a hydrogeological connection to surface water without a permit are prohibited by the Clean Water Act. LCRA itself has identified concentrations of pollutants like arsenic, selenium, molybdenum, and cobalt at levels that exceed federal and state groundwater standards, and acknowledged that this pollution is occurring in groundwater that communicates with the Cedar Creek Reservoir and could migrate offsite. ***The revised Clean Water Act permit must impose requirements to clean up and eliminate pollution leaks and seeps into hydrogeologically connected ground and surface waters.***

In sum, it does not appear that the existing permit, if renewed, would comply with the federal Clean Water Act ("CWA") or state law, including the Texas Water Code and the Texas Surface Water Quality Standards. We respectfully request that TCEQ hold a public meeting to provide an opportunity for the public to address these critical public health threats.

Thank you for considering these comments and my request for a public meeting.

Sincerely,



Abigail C. Thomason

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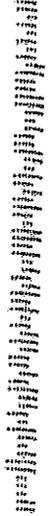
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105. JC

TCEQ
Budget Bohac
P.O. BOX 13087
Austin TX 78711-3087

AUSTIN TX 787
KING OF THE HILL DISTRICT
15 SEP 2014 PM 2 L

TRIPLE C RANCH
1151 COUNTY RD. 325
LEXINGTON, TEXAS 78947



9876543210987

September 12, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

REVIEWED
SEP 15 2014
By [Signature]

CHIEF CLERK'S OFFICE

2014 SEP 15 AM 10:44

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: Notice of Application and Intent to Obtain Water Quality Permit Renewal for the LCRA Fayette Power Plant, Permit No. WQ0002105000

Dear Chief Clerk:

We are writing to request a public meeting to discuss the Lower Colorado River Authority's ("LCRA") application and intent to obtain a water quality permit for the Fayette Power Plant. Each day across the United States, coal-burning power plants like the LCRA Fayette Power Plant dump millions of gallons of wastewater loaded with toxic pollutants like arsenic, boron, cadmium, chromium, lead, mercury, and selenium into our rivers, lakes, and streams. This toxic soup can be harmful to humans and aquatic life in even small doses. This pollution is discharged directly from plants and waste pits; flows from old, unlined surface impoundments that many plants use to store toxic slurries of coal ash and smokestack scrubber sludge; and seeps from unlined ponds and landfills into ground and surface waters.

LCRA's own 2010 annual groundwater monitoring report shows that groundwater near the coal ash ponds and a landfill at the Fayette Plant contains levels of arsenic, selenium, cobalt, and molybdenum exceeding Texas Protective Contamination Levels (PCLs) and federal Maximum Contaminant Levels (MCLs). Selenium levels have reached more than 4 times the PCL and MCL, cobalt levels have reached more than 3 times the PCL, and molybdenum has exceeded the federal Life-time Health Advisory by nearly 4 times and exceeded the PCL in water down-gradient or cross-gradient of ash disposal areas. Aluminum, chloride, manganese, sulfate and total dissolved solids exceed federal secondary MCLs.

Moreover, according to LCRA's report, many of the groundwater monitoring wells are located within the shallow groundwater bearing Middle Sand Unit. LCRA acknowledges that the "Middle Sand is believed to be in communication with the Cedar Creek Reservoir," and that contaminated groundwater "could migrate beyond the boundaries of the [Fayette Power Plant] property." In short, pollution from the Fayette Plant's leaking coal ash dumps could potentially impact water quality in the Cedar Creek Reservoir and nearby residential drinking water wells.

Despite this imminent public health risk, the current draft Clean Water Act permit fails to set effluent limits for almost all of the toxic pollutants found in coal ash wastewaters, or address the seeps and leaks from the plant's coal ash disposal units. In addition:

The current Draft Permit does not set effluent limits for the numerous toxic pollutants that are regularly discharged in coal ash wastewaters. Under the Clean September ____, 2014

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Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
September 12, 2014
Page 2

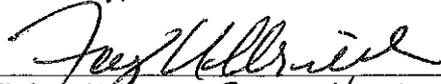
Water Act, Clean Water Act permits must include technology-based effluent limits for all discharged pollutants. Despite the fact that EPA has identified 27 pollutants found in coal ash wastewaters (including, aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, mercury, molybdenum, nickel, selenium, silver, sodium, thallium, tin, titanium, vanadium, yttrium, and zinc), the current permit for the Fayette Plant only imposes limits on one toxic pollutant—selenium. ***The revised Clean Water Act permit must impose effluent limits that eliminate or control toxic discharges as required by law.***

- **TCEQ must also require LCRA to clean up and prevent pollution from its leaking coal ash disposal units.** Discharges, including leaks and seeps, of leachate from the Plant's coal ash impoundments and landfills to surface waters and/or groundwater with a hydrogeological connection to surface water without a permit are prohibited by the Clean Water Act. LCRA itself has identified concentrations of pollutants like arsenic, selenium, molybdenum, and cobalt at levels that exceed federal and state groundwater standards, and acknowledged that this pollution is occurring in groundwater that communicates with the Cedar Creek Reservoir and could migrate offsite. ***The revised Clean Water Act permit must impose requirements to clean up and eliminate pollution leaks and seeps into hydrogeologically connected ground and surface waters.***

In sum, it does not appear that the existing permit, if renewed, would comply with the federal Clean Water Act ("CWA") or state law, including the Texas Water Code and the Texas Surface Water Quality Standards. We respectfully request that TCEQ hold a public meeting to provide an opportunity for the public to address these critical public health threats.

Thank you for considering these comments and my request for a public meeting.

Sincerely,



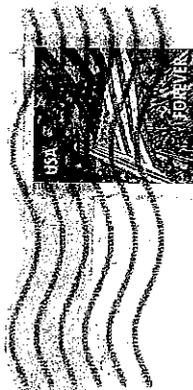
Printed Name: Foy Ulbrich

Mailing Address:

2423 FM 2434
Weimar TX 78962

Phone: _____

Email: _____



AUSTIN TX 787
RIO GRANDE DISTRICT
13 SEP 2014 PM 2 L

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SEP 15 2014

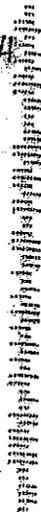
TCEQ MAIL CENTER
JR

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 15 AM 10: 44

CHIEF CLERK'S OFFICE

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087



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September 12, 2014

Bridget C. Bohac
Chief Clerk, MC-105
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SEP 15 2014 PM

By [Signature]

CHIEF CLERKS OFFICE

2014 SEP 15 AM 10:43

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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Moreover, according to LCRA's report, many of the groundwater monitoring wells are located within the shallow groundwater bearing Middle Sand Unit. LCRA acknowledges that the "Middle Sand is believed to be in communication with the Cedar Creek Reservoir," and that contaminated groundwater "could migrate beyond the boundaries of the [Fayette Power Plant] property." In short, pollution from the Fayette Plant's leaking coal ash dumps could potentially impact water quality in the Cedar Creek Reservoir and nearby residential drinking water wells.

Despite this imminent public health risk, the current draft Clean Water Act permit fails to set effluent limits for almost all of the toxic pollutants found in coal ash wastewaters, or address the seeps and leaks from the plant's coal ash disposal units. In addition:

The current Draft Permit does not set effluent limits for the numerous toxic pollutants that are regularly discharged in coal ash wastewaters. Under the Clean September 12, 2014

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Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
September 12, 2014
Page 2

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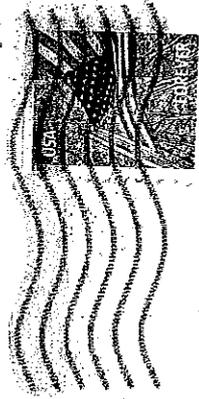
Printed Name: MARV ULBRICHT

Mailing Address:

MULBRICHT@TXFB.net
2423 FM 2434 Weimar TX 78962

Phone: 979-732-7401

Email: _____



AUSTIN TX 787
RIO GRANDE DISTRICT
13 SEP 2014 PM 2 L

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 15 AM 10:43

CHIEF CLERKS OFFICE

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SEP 15 2014

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JR

Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087



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TCEQ Public Meeting Form
April 9, 2015

Lower Colorado River Authority
Water Quality TPDES Permit Renewal
Permit No. WQ0002105000

PLEASE PRINT

Van Dresar

Name:

DAVID A. VAN DRESAR

Mailing Address:

255 SVOBODA LANE, Rm. 115, LA GRANGE, TX
78945

Physical Address (if different):

City/State:

LA GRANGE, TEXAS

Zip:

78945

This information is subject to public disclosure under the Texas Public Information Act

Email:

david@fayettecountygroundwater.com ✓

Phone Number:

979-968-3135

- Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? FAYETTE COUNTY GROUNDWATER CONSERVATION DISTRICT

Please add me to the mailing list.

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting. ✓

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

mm

September 13, 2014

Bridget C. Bohac
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
<http://www5.tceq.state.tx.us/rules/ecomments/>

REVIEWED *fm*

SEP 17 2014

By *[Signature]*

CHIEF CLERK'S OFFICE

2014 SEP 17 AM 9:31

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

*5/27/14
Dm*

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Bridget C. Bohac, Chief Clerk, MC-105
Texas Commission on Environmental Quality
September 13, 2014
Page 2

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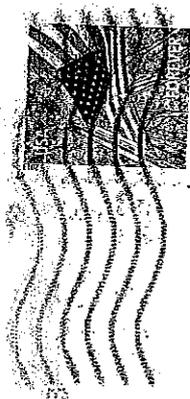
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Thank you for considering these comments and my request for a public meeting.

Sincerely,


Printed Name: Brent Whiteside
Mailing Address:
357 Wood Farm Road
Huntsville, TX 77320
Phone: 936-291-0444
Email: brw1974@gmail.com ✓



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 SEP 17 AM 9:31

CHIEF CLERKS OFFICE

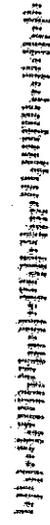
NORTH HOUSTON TX 758
15 SEP 2014 PM 7 L

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SEP 17 2014

TCEQ MAIL CENTER
JR

Bridget C. Bohac, Chief Clerk, MC-105
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P.O. Box 13087
Austin, Texas 78711-3087



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