



Dunkirk Power LLC  
106 Point Drive North  
Dunkirk, NY 14150

March 9, 2022

Mr. David Vitale  
New York State Department of Environmental Conservation  
Division of Materials Management Director  
625 Broadway  
Albany, NY 12233-7250

RE: CCR Rule Notice  
Dunkirk Power LLC

Dear Mr. Vitale:

Pursuant to the EPA's CCR Rule (40 CFR Part 257) and in accordance with the specific provisions of §257.95(g) and the associated requirements of §257.106(h)(6), Dunkirk Power LLC is notifying the New York State Department of Environmental Conservation that one or more Appendix IV constituents has been detected at a Statistically Significant Level (SSL) above an established Groundwater Protection Standard (GWPS) at the Dunkirk Landfill (Solid Waste Management Facility, Permit ID 9-0658-00021/00008).

This determination is based on initial results received from the ongoing Assessment Monitoring Program, specific to the recent 4<sup>th</sup> QTR 2021 CCR groundwater sampling event, and entails the detection of Lithium at concentrations greater than the associated GWPS of 50 µg/L in each of the downgradient wells, identified as BR-3-DG, BR-12-DG, and BR-20-DG. In addition to the State Director noticing requirements under §257.106(h)(6), this determination has been entered into the facility operating record per §257.105(h)(8), and will be posted to the publicly accessible website per §257.107(h)(6) at <http://www.nrg.com/legal/coal-combustion-residuals/>.

To provide further context to this notification, elevated lithium levels in upgradient Well BR-14-UG were also observed during this recent monitoring event. This reported value, along with the broad incidence of lithium measured in each of the downgradient wells, provides a confounding situation implying a cause other than the Dunkirk Fly Ash Landfill. Dunkirk Power LLC is investigating the data and gathering additional information to potentially support an alternate source determination.. Should the preliminary findings from this ongoing evaluation deem an alternate source as unlikely, efforts will transition to characterize the nature and extent of the SSL impacts per §257.95(g)(1)(i-iv), in order to further support the subsequently required Assessment of Corrective Measures per §257.95(g)(3)(i) and §257.96(a).

Should you require additional information, please contact George Streit at (716)-200-2797 or [George.Streit@nrg.com](mailto:George.Streit@nrg.com).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "George T. Streit", written over a horizontal line.

George T. Streit  
Environmental Coordinator

cc: Peter Grasso, P.E., 270 Michigan Ave., Buffalo, NY 14203