

December 14, 2023
File No. 25221158.00

MEMORANDUM

TO: Chris Mitchell
FROM: Richard Southorn, PE
SUBJECT: Indian River Landfill – Fugitive Dust Control Report

INTRODUCTION

On October 17, 2023, SCS Engineers (SCS) conducted an evaluation of the fugitive dust control measures that are used at the Indian River Landfill (Landfill) located in Dagsboro, Delaware. The Landfill is operated by Indian River Power LLC (Indian River, a subsidiary of NRG Energy, Inc. [NRG]). The evaluation was conducted to determine whether the implemented fugitive dust control measures meet requirements specified in the *Disposal of Coal Combustion Residuals from Electric Utilities Final Rule* (CCR Rule) 40 CFR §257 and §261.

Based on this evaluation, SCS concludes that fugitive dust is being controlled in a manner that meets CCR Rule requirements. This report must be placed in the Indian River facility's operating record per §257.105(g)(2), noticed to the State Director per §257.106(g)(2), and posted to the publicly accessible internet site per §257.107(g)(2).

REGULATIONS

CCR regulations set forth within §257.80 provide guidelines for fugitive dust control measures to provide that regulated CCR units are designed to minimize CCR from becoming airborne at the facility. An annual report must be developed that discusses the effectiveness of these measures.

Specifically, §257.80 requires:

§257.80: "(c) The owner or operator of a CCR unit must prepare an annual CCR fugitive dust control report that includes a description of the actions taken by the owner or operator to control CCR fugitive dust, a record of all citizen complaints, and a summary of any corrective measures taken. The initial annual report must be completed no later than 14 months after placing the initial CCR fugitive dust control plan in the facility's operating record. The deadline for completing a subsequent report is one year after the date of completing the previous report. For purposes of this paragraph (c), the owner or operator has completed the annual CCR fugitive dust control report when the plan has been placed in the facility's operating record as required by §257.105(g)(2)."

This report must be placed within the Facility Operating Record. §257.105(g) of 40 CFR Part §257 provides record keeping requirements to ensure that this report will be placed in the facility's operating record. Specifically, §257.105(g) requires:

§257.105(g): (g) Operating criteria. The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record: (2) The annual CCR fugitive dust control report required by §257.80(c)."

§257.106(g) of 40 CFR Part §257 provides guidelines for the notification of the availability of the initial and periodic plan. Specifically, §257.106(g) requires:

§257.106(g): (g) Operating criteria. The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible internet site. The owner or operator must: (2) Provide notification of the availability of the annual CCR fugitive dust control report specified under §257.105(g)(2)."

§257.107(g) of 40 CFR Part §257 provides publicly accessible Internet site requirements to ensure that this Plan is accessible through the Indian River Power webpage. Specifically, §257.107(g) requires:

§257.107(g): (g) Operating criteria. The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site: (2) The annual CCR fugitive dust control report specified under §257.105(g)(2)."

MEASURES TAKEN TO CONTROL FUGITIVE DUST

A Fugitive Dust Control Plan (Plan) was implemented at the facility in 2015. This Plan describes procedures and processes to be implemented to comply with the CCR Rule. Minor updates to the plan were incorporated in November 2017. This Plan is posted in the facility's operating record.

The Plan includes the following:

- Fugitive Dust Control Practices and Procedures
- Procedures for Citizen Complaints
- Procedures for Plan Assessments and Amendments

SCS reviewed the Plan in October 2023. The purpose of the review was to evaluate that the plan adequately characterizes fugitive dust control procedures implemented at the site, that regulatory objectives are achieved through these procedures, and to provide appropriate modifications for improved fugitive dust control, if necessary. The plan and associated fugitive dust control measures were deemed appropriate with no modifications necessary.

In addition, SCS conducted a site inspection of the landfill facility. No fugitive dust emissions were observed at the time of the visit. A water truck was observed on-site. All observed areas of the landfill were operating appropriately.

RECORDS OF CITIZEN COMPLAINTS REGARDING FUGITIVE DUST

No citizen complaints associated with fugitive dust were received by Indian River or Delaware Department of Natural Resources and Environmental Control since the October 18, 2022, which is the date of the previous review of dust control complaints. This was confirmed by SCS through a review of complaint logs contained within the Plan and through an interview with the Landfill Manager.

SUMMARY OF CORRECTIVE MEASURES TAKEN

No corrective measures associated with fugitive dust have been required or implemented since October 18, 2022.

SUMMARY

Based on a review of the Plan, complaint logs, and the site inspection, SCS concludes the following:

- Fugitive dust control measures are being followed at the facility in accordance with the Plan.
- This Plan meets CCR Rule regulatory requirements.
- No citizen complaints have been filed with respect to fugitive dust in the past operational year.
- No corrective measures have been required during the past operation year.

This report will be placed in the operating record and uploaded to the Indian River Power CCR compliance reporting website upon the review and approval by Indian River Power. The State Director will be notified upon placement of this Plan in the Facility Operating Record.

This Landfill does not have a Tribal authority.

DK/RDS/SKK

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