

WETLANDS
CCR SURFACE IMPOUNDMENT: F.B. CULLEY STATION
CCR UNIT: WEST ASH POND

AECOM (“Consultant”) has been retained by Vectren to prepare the following assessment of whether the above-referenced existing coal combustion residuals (“CCR”) surface impoundment meets the wetlands impacts requirements set out in 40 C.F.R. § 257.61(a). Presented below are the project background, summary of findings, limitations, and certification.

1.0 BACKGROUND

Pursuant to 40 C.F.R. § 257.61(a), new CCR landfills, existing and new CCR surface impoundments, and all lateral expansions of CCR units must not be located in wetlands, as defined in 40 C.F.R. § 232.2, unless the owner or operator demonstrates that the CCR unit meets the following requirements:

- 1) *Where applicable under section 404 of the Clean Water Act or applicable state wetlands laws, a clear and objective rebuttal of the presumption that an alternative to the CCR unit is reasonably available that does not involve wetlands.*
- 2) *The construction and operation of the CCR unit will not cause or contribute to any of the following:*
 - i. *A violation of any applicable state or federal water quality standard;*
 - ii. *A violation of any applicable toxic effluent standard or prohibition under section 307 of the Clean Water Act;*
 - iii. *Jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat, protected under the Endangered Species Act of 1973; and*
 - iv. *A violation of any requirement under the Marine Protection, Research, and Sanctuaries Act of 1972 for the protection of a marine sanctuary.*
- 3) *The CCR unit will not cause or contribute to significant degradation of wetlands by addressing all of the following factors:*
 - i. *Erosion, stability, and migration potential of native wetland soils, muds and deposits used to support the CCR unit;*
 - ii. *Erosion, stability, and migration potential of dredged and fill materials used to support the CCR unit;*
 - iii. *The volume and chemical nature of the CCR;*
 - iv. *Impacts on fish, wildlife, and other aquatic resources and their habitat from release of CCR;*
 - v. *The potential effects of catastrophic release of CCR to the wetland and the resulting impacts on the environment; and*
 - vi. *Any additional factors, as necessary, to demonstrate that ecological resources in the wetland are sufficiently protected.*
- 4) *To the extent required under section 404 of the Clean Water Act or applicable state wetlands laws, steps have been taken to attempt to achieve no net loss of wetlands (as defined by acreage and function) by first avoiding impacts to wetlands to the maximum extent reasonable as required by paragraphs 1) through 3) above, then minimizing unavoidable impacts to the maximum extent reasonable, and finally offsetting remaining unavoidable wetland impacts through all appropriate and reasonable compensatory mitigation actions (e.g., restoration of existing degraded wetlands or creation of man-made wetlands); and*
- 5) *Sufficient information is available to make a reasoned determination with respect to the demonstrations in paragraphs 1) through 4) above.*

Pursuant to 40 C.F.R. § 257.61(b) and (c)(1), for an existing CCR surface impoundment, the owner or operator must obtain a certification from a qualified professional engineer stating that the owner or operator has demonstrated that the CCR unit meets the minimum requirements for wetlands impacts set out in paragraphs 1) through 5) above no later than October 17, 2018. Due to the partial vacatur of the Final CCR Rule, with regards to inactive surface impoundments, the EPA extended compliance deadlines (by 547 days) for inactive CCR impoundments by means of issuing a direct final action which included 40 CFR 257.100(e) Timeframes for Certain Inactive CCR Surface Impoundments. In accordance with this action, the due date for completing the Location Restriction Demonstrations (§257.60 - §257.64) for inactive CCR surface impoundments was extended to April 16, 2020.

In support of Consultant’s assessment, Consultant completed a desktop evaluation of the location of the CCR unit and determined that sufficient information is available to document the required wetlands demonstration.

2.0 ASSESSMENT

Based upon a review of applicable information, the CCR unit meets the requirements of 257.61 (a) as it was constructed and while operating; therefore, the Consultant concludes as follows:

CCR Unit	Wetlands
West Ash Pond	<i>Meets the requirements of 40 C.F.R. § 257.61(a)</i>

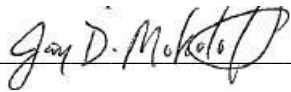
3.0 LIMITATIONS

The signature of Consultant's authorized representative on this document represents that to the best of Consultant's knowledge, information, and belief in the exercise of its professional judgment, it is Consultant's professional opinion that the aforementioned information is accurate as of the date of such signature. Any opinion or decisions by Consultant are made on the basis of Consultant's experience, qualifications, and professional judgment and are not to be construed as warranties or guaranties. In addition, opinions relating to environmental, geologic, and geotechnical conditions or other estimates are based on available data, and actual conditions may vary from those encountered at the times and locations where data are obtained, despite the use of due care.

4.0 CERTIFICATION

I, Jay Mokotoff, being a Registered Professional Engineer, in accordance with the Indiana Professional Engineer's Registration, do hereby certify to the best of my knowledge, information, and belief, that the CCR unit that is the subject of this report dated April 16, 2020 meets the requirements for wetlands impacts pursuant to 40 C.F.R. § 257.61(a), and that this report is true and correct and has been prepared in accordance with generally accepted good engineering practices.

SIGNATURE



DATE 4/16/20

