

Item 7 – TCEQ Groundwater Monitoring & Contamination Report – 2017

TCEQ is required to monitor groundwater quality and assess whether contamination has occurred. Currently, Robertson County has two coal/lignite fired power plants (Twin Oaks and Oak Grove) which are required to make TCEQ aware of “reportable events” relating to discharge to groundwater.

The Luminant plant had a reportable event in 2009 at which time TCEQ began monitoring groundwater samples just south of the main entrance. I recently contacted Merrie Smith, manager of VCP/Corrective Action Section of TCEQ, for an update on what the monitoring data has yielded. Below is her response:

“The Oak Grove Steam Electric Station (SWR 32043) consists of two 800-megawatt power generation units that burn lignite and coal. Coal combustion residuals are managed in 3 ponds and an ash landfill. The TCEQ reviewed a 2009 *Sandblast Area Investigation Report* (2009 Report) documenting soil sampling conducted in the sand blasting area of the Station. The TCEQ approved the report by letter dated September 15, 2009 and concurred that the data demonstrated that the release was not subject to the Texas Risk Reduction Program (TRRP).

The TCEQ also reviewed a 2016 *FGD-A Pond Investigation Report* that was a groundwater monitoring report that addressed a selenium exceedance in one monitor well associated with the FGD-A Pond. Luminant completed additional sampling to determine if the minor selenium exceedance was due to background. The TCEQ concurred in a November 9, 2016 letter that there was not a release of selenium to groundwater at the site that was subject to TRRP, because subsequent groundwater monitoring demonstrated that selenium was below the TRRP Tier 1 protective concentration limit”.

There have been no reportable events at the Major Oak plant to date. The TCEQ is the sole enforcement agency over contamination of groundwater at a steam electric facility and the remediation of any consequences suffered by the release. The District remains interested in any information produced from reportable events and will continue to annually monitor any events which occur and update the Board on the status.

Coal Combustion Residuals (CCR)

A major coal ash release in 2018 near Kingston, Tennessee by the Tennessee Valley Authority precipitated the Environmental Protection Agency to develop and finalize (2015) the first federal rules governing the disposal of coal ash by electrical generation facilities (Federal Coal Ash Rule). Among the things required by the Act were:

- Facilities required to develop a self-determined groundwater monitoring system (grid)
- Report all data collected from groundwater monitoring to a publicly accessible website by 2017

Coal fired facilities met the 2017 deadline of implementing and reporting data. The EPA rule had also been challenged in federal court.

States were given the choice to develop their own CCR rule or have federal oversight. Texas chose to develop state rules and began doing so soon after the coal ash rule became law. Because of the litigation surrounding the rule, TCEQ was unable to perfect a rule to address CCR and set it on the back burner waiting for resolution in the courts.

The D.C. Appeals Court ruled that all coal fired plants without a synthetic liner in coal ash pits were in violation of the EPA rules and ordered those plants to close. Since virtually none of those plants had synthetic liners, the ruling was set to cause havoc throughout the country. EPA went back to the Appeals Court and asked that they reconsider the ruling and allow EPA to further develop the rule allowing for phase in of synthetic liners. EPA's request was granted, and they are now in the process of tweaking the rule.

Environmental Integrity Project (EIP) recently released a report summarizing the data reported by coal-fired electrical generation facilities obtained from the public website. You can view the entire report via the following hyperlink:

<http://www.environmentalintegrity.org/wp-content/uploads/2019/01/Texas-Coal-Ash-Report.pdf>

TCEQ had great interest in the independent report and has contacted industry representatives inquiring about possible "reportable events" described in the report. Following the government shutdown, EPA became aware of the report and contacted TCEQ for more information. Those conversations began this week and are obviously at the very early stages. I was told by Bob Patton, Manager of Industrial and Hazardous Waste Permits Section at TCEQ, that Texas will be developing a CCR rule.

It is an understatement that this issue is in a major state of flux. It is the duty of the District to stay apprised of any possible groundwater contamination events. The District has no direct authority to require remediation of contamination. That enforcement falls to the TCEQ.

It is the responsibility of the General Manager to annually, if not more often, keep the Board informed any issues within the District. As the CCR issue runs its course through EPA and TCEQ, I will keep you updated.