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January 15, 2021
File No. 129778-037

Evergy Kansas Central, Inc. (f/k/a Westar Energy, Inc.)
818 South Kansas Avenue
Topeka, Kansas 66612

Attention: Jared Morrison – Director, Water and Waste Programs

Subject: Extension of Closure Timeframes
Lawrence Energy Center
Area 2, Area 3, and Area 4 Ponds (inactive)

Dear Mr. Morrison:

On behalf of Evergy Kansas Central, Inc. (Evergy; f/k/a Westar Energy, Inc.), in accordance with Title 40 Code of Federal Regulations (40 CFR) § 257.102(f)(2)(i) of the U.S. Environmental Protection Agency Federal Coal Combustion Residuals (CCR) Rule (40 CFR §§ 257 and 261) effective October 19, 2015, including subsequent revisions, Haley & Aldrich, Inc. (Haley & Aldrich) has prepared this demonstration in support of Evergy's need for a two-year extension for the completion of closure of the Lawrence Energy Center (LEC) Area 2, Area 3, and Area 4 Ponds (units; impoundments) due to factors beyond the facility's control. The CCR Rule allows for this extension based on factors that may include:

- A. Complications stemming from the climate and weather, such as unusual amounts of precipitation or a significantly shortened construction season;
- B. Time required to dewater a surface impoundment due to the volume of CCR contained in the CCR unit or the characteristics of the CCR in the unit;
- C. The geology and terrain surrounding the CCR unit will affect the amount of material needed to close the CCR unit; or
- D. Time required or delays caused by the need to coordinate with and obtain necessary approvals and permits from a state or other agency.

As noted in the units' initial Closure Plan, which plans for closure by removal, closure construction activities began in January 2016 and were projected to be completed by January 2021 (per 40 CFR § 257.102(f)(1)(ii)). Evergy began the closure process by initiating closure planning and budgeting efforts, procurement, and development of engineering plans. Appropriate field investigations were completed including topographic survey, bathymetric survey, and investigative geotechnical drilling. The Area 2 and 3 Ponds are segregated into sub-unit ponds, six sub-units in the Area 2 Pond and four sub-units in the Area 3 Pond. The Area 4 Pond was one pond. CCR was removed in phases to allow the plant to continue operations and properly manage the discharge to the river or plant recycle systems.

Evergy's design engineers first focused on the closure of the Area 4 Pond to allow for the removal of CCR materials and the reconfiguration of that area for other facility use. The impoundment was dewatered, the CCR material was excavated and hauled to the existing on-site CCR landfill, and confirmation of CCR removal was completed. This process was generally repeated for CCR removal for the other sub-units. The CCR was documented as removed from this unit in May 2017. CCR was documented as removed from the other sub-units in December 2017, March 2018, April 2018, June 2018, and December 2020, indicating steady progress over the past five years. Clay liners were installed in sub-units planned for re-use and some interior "splitter" berms were removed as needed for re-configuration. For Area 2 and Area 3 Ponds, Evergy completed final documentation of CCR removal on December 1, 2020.

Due to EPA regulatory updates under the 40 CFR 423 *Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category* updated rulemaking in August 2020, Evergy made the decision to decommission and remove the Area 2 and Area 3 Ponds, to include the removal of the berms between the Area 2 and Area 3 Ponds, any remaining interior berms and complete removal of the non-CCR wastewater impoundments from service. The perimeter dike will be breached, and the area re-graded for positive drainage. Evergy received approval from Kansas Department of Health and Environment (KDHE) for this plan on December 28, 2020. Evergy currently estimates the construction work will be completed by the summer of 2021.

Furthermore, the CCR Rule requires under § 257.102(c) that for closure by removal of CCR, not only must CCR removal and decontamination be complete, but groundwater concentrations must not exceed the groundwater protection standard (GWPS) established pursuant to § 257.95(h) for constituents listed in appendix IV. Currently, the multi-unit groundwater monitoring network downgradient monitoring wells have concentrations above the GWPS. Evergy understands that EPA proposed separating the groundwater monitoring requirement from the CCR removal and decontamination requirements of the current applicable CCR Rule as part of the 40 CFR 257 *Hazard and Solid Waste Management System: Disposal of CCR; A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure* dated March 2, 2020. This would have allowed for certification of closure based on the CCR removal and decontamination, and the continuation of the groundwater monitoring under the groundwater monitoring corrective action post-closure care period. As of the date of this demonstration, EPA has not yet finalized this related language, thereby maintaining the current regulatory language requiring both CCR removal and decontamination and groundwater concentrations below the GWPS. As such, it is not feasible for Evergy to complete the closure including closure certification by a qualified professional engineer in accordance with § 257.102(f)(3) until the groundwater corrective remedy is completed and groundwater concentrations are below the GWPS.

Evergy has demonstrated the need for this two-year extension for the Area 2, Area 3, and Area 4 Ponds due to the groundwater monitoring requirements for appendix IV concentrations above the GWPS (§ 257.102(f)(2)(i)(D)) and the related evaluation of the multi-unit system under the corrective measures requirements of the CCR Rule; and the regulatory approval received on December 28, 2020 as provided by § 257.102(f)(2)(i)(D) for the updated closure activities to completely remove the berms as discussed above. The certification statement required under § 257.102(f)(2)(iii) has been provided at the end of this letter and is signed by an authorized representative of Evergy as the Owner/Operator.

Evergy Kansas Central, Inc.

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Sincerely yours,
HALEY & ALDRICH, INC.



Jason Pokorny, P.E. (OH)
Senior Project Manager



Steve Putrich, P.E.
Project Principal

Owner or Operator Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

By Jared Morrison
(authorized signature)

By Jared Morrison
(print or type name)

Company Evergy

Title Director, Waste and Water Programs

Date January 15, 2021