

## **Closure Completion Notification for Closure by Removal**

October 17, 2023

Closure Completion Notification

Henry W. Pirkey Plant

East Bottom Ash Pond

On October 17, 2023, the Henry W. Pirkey, East Bottom Ash Pond was closed by removal in accordance with 40 CFR 257.102 and the most recent Written Closure Plan. This notification is being placed in the operating record in accordance with 40 CFR 257.102(h). This notification being made to demonstrate compliance with 40 CFR 257.103(f)(2) which allowed Pirkey East Bottom Ash Pond to receive CCR and non-CCR wastestreams after April 11, 2021.

The State of Texas received partial delegation from USEPA on June 1, 2021. Parts of 40 CFR 257.103 were subsequently modified by USEPA Rulemaking and were not included. Thus, these provision remains under USEPA jurisdiction. However, 40 CRF 257.102 Criteria for Conduction the Closure and Retrofit of CCR Units has been delegated. Therefore, final review and approval of closure will be determined by TCEQ.

**CLOSURE CERTIFICATION BY QUALIFIED PROFESSIONAL ENGINEER**

I certify that the Pirkey Power Plant's East Bottom Ash Pond has been closed in accordance with the most recent written closure plan specified by paragraph 40 CFR §257.102(b) and 30 TAC §352.1221, and the requirements of section 40 CFR §257.102 and 30 TAC §352.1221.



David Anthony Miller

Printed Name of Licensed Professional Engineer

*David Anthony Miller*

Signature

112498  
License Number

Texas  
Licensing State

10.17.2023  
Date

# East Bottom Ash Pond CCR Removal Certification

## H.W. Pirkey Power Plant

The CCR Removal Certification for the H.W. Pirkey Power Plant East Bottom Ash Pond was prepared by Akron Consulting, LLC (TBPE Firm #14014). This Certification/Statement of Professional Opinion is limited to the information available to Akron at the time the report was written. On the basis of and subject to the foregoing, it is my professional opinion as a Professional Engineer licensed in the State of Texas, that the report has been prepared in accordance with good and accepted engineering practices as exercised by other engineers practicing in the same discipline(s), under similar circumstances and at the time and in the same locale. It is my professional opinion that the removal of the CCR material in the East Bottom Ash Pond was performed in accordance with the current requirements of 40 CFR § 257.102 (30 TAC 352.1221) and Section 4.0 of the most recent written Closure Plan.

The use of the words “certification” and/or “certify” in this document shall be interpreted and construed as a Statement of Professional Opinion, and is not and shall not be interpreted or construed as a guarantee, warranty or legal opinion. This certification in no way relieves the Owner or Operator of the facility of his/her duty to fully implement the other requirements outlined in the entire section of 40 CFR § 257.

Engineer: Lane D. Roberts  
Registration Number: 105135  
State: Texas  
Date: 10/12/2023



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