

FIRSTENERGY GENERATION, LLC

**MINOR MODIFICATION FOR ACCEPTANCE OF COAL COMBUSTION WASTE FROM
FIRSTENERGY GENERATION, LLC OPERATED POWER STATIONS**

**HATFIELD'S FERRY POWER STATION CCB LANDFILL
MONONGAHELA TOWNSHIP,
GREENE COUNTY**

ID NO. 300370

COMMENT AND RESPONSE DOCUMENT

September 2015

PROJECT DESCRIPTION

The Hatfield's Ferry Power Station is located on the Monongahela River in Monongahela Township, Greene County, 1.7 miles west of the Borough of Masontown. The station initiated operations in 1969 and operated until 2013. When operating, the power station employed three coal fired generating units to produce 1,710 megawatts of electricity per day while consuming approximately 3,500,000 tons of coal each year and producing various coal combustion byproduct (CCB) wastes.

The Department of Environmental Protection (formerly, the Department of Environmental Resources) issued Solid Waste Permit No. 300370 on May 7, 1984 to Allegheny Energy Supply Company ("Permit") which authorized waste disposal at the Hatfield's Ferry Power Station CCB Landfill within a 90-acre permit area encompassing the 40-acre, unlined, Phase 1 and Phase 2 disposal areas. The Hatfield's Ferry Power Station CCB Landfill was repermited relative to the requirements of the revised residual waste regulations on March 31, 1998. That action provided for expansion of the permit area to 187 acres, approval of additional waste streams, limitation of daily waste disposal to 1,370 tons per day on a quarterly average basis with a daily maximum of 2,600 tons, and granted waivers from the requirements of the regulations regarding liner systems, caps, daily and intermediate cover, and leachate management. On May 4, 2009 the Department modified Permit No. 300370 to authorize the Phase 3 Expansion, by which the permit area was increased to approximately 368 acres and a 110-acre disposal area was delineated so as to create 14.7 million cubic yards of disposal capacity equivalent to 7.2 years of operation with waste acceptance rates of 6,850 tons per day on average and 10,000 tons per day maximum. Condition No. 19 of that permit modification limited disposal activities to specifically designated waste streams generated at the adjacent power station. Disposal operations under Permit No. 300370 were suspended in 2013 upon deactivation of the Hatfield's Ferry Power Station.

The Bruce Mansfield Plant is a three-unit, coal-fired steam electric generating station located in the Borough of Shippingport, Beaver County, Pennsylvania that is owned and operated by FirstEnergy Generation, LLC. The plant is the largest rated electric generating station in Pennsylvania consuming up to 8,000,000 tons of coal per year and producing 2,940 megawatts of electricity. At the present time, CCB consisting of fly ash and flue gas desulfurization sludge produced at the plant are stabilized, slurried and transported through a 7-mile pipeline to the Little Blue Run Residual Waste Disposal Impoundment located in Greene Township, Beaver County, Pennsylvania and Grant District, Hancock County, West Virginia.

On December 14, 2012 a Consent Decree was entered in the U.S. District Court for the Western District of Pennsylvania between Pennsylvania Department of Environmental Protection and FirstEnergy Generation, LLC, requiring FirstEnergy to close the Impoundment and cease disposing of currently approved waste materials at the Impoundment by December 31, 2016.

The Department reissued Permit No. 300370 from Allegheny Energy Supply Company to its parent company, FirstEnergy on May 22, 2015, and also extended the permit duration until May 22, 2025. FirstEnergy has applied for a minor modification to the Permit to utilize the remaining disposal capacity at the Hatfield's Ferry Power Station CCB Landfill for disposal of Bruce Mansfield Plant flue gas desulfurization (FGD) material upon closure of the Little Blue Run Impoundment. The current permit action authorizes modifications to Permit No. 300370 to allow for FGD material barged from the Bruce Mansfield Plant to be disposed at the Hatfield's Ferry Power Station CCB Landfill.

The comments below regarding the application for minor permit modification were received as part of the public meeting held May 21, 2015 and subsequent comment period prior to permit issuance and were considered in the Department's review of the application. The list of commenters appears in Attachment A to this document.

Design and operational safeguards of the modern, double-lined synthetic with composite liner Phase 3 Disposal Area have proven effective since its permitting in 2009. No liner breaches have occurred with the current design; any leaks would have been promptly detected by the leachate detection zone monitoring system, housed between the liners.

This application is for a minor permit modification, and requests to dispose of the same type of waste that has been accepted by the facility in the past, but from a different source. Previous design and operational requirements have been maintained as effective and compliant with all regulatory requirements.

COMMENTS AND RESPONSES

1. Form of Application

Comment: The Department received the following comments objecting to the approval of the modification application, proposing disposal of Bruce Mansfield Plant wastes at the Hatfield’s Ferry Power Station CCB Landfill as a minor permit modification.

- There are a number of major problems with this site, and because of this it is inappropriate for DEP to treat this as a minor modification with limited review and analysis. **(1.a)**
- FirstEnergy’s proposal to dispose of coal ash from the Bruce Mansfield Plant warrants a major modification application instead of a minor modification application because the proportions of each type of coal ash proposed to be disposed differ significantly from the proportions previously vetted and approved by DEP for disposal at this site. When an application involves “[a] change in the average or maximum daily waste volume,” the application must be considered as a major modification application instead of a minor modification application. While FGD wastes were approved for disposal at the Phase 3 expansion area of the landfill by the 2009 permit modification, FGD wastes were approved at a maximum generation rate of 1,335,500 tons per year. In contrast, the 2015 modification application proposes to dispose of FGD at a rate of 2.5 to 2.7 million tons per year—potentially more than doubling the FGD materials to be disposed of at the landfill. The enormous change in the proportions of which types of coal ash will be disposed of at the site is a change that warrants reevaluation as a major permit modification **(5)**

Response: This permit modification continues authorization for the Phase 3 Disposal Area, operating since 2009, with the only change being to allow new sources of the same waste material safely deposited in the landfill for several years. All disposal design and operational standards remain unchanged, except as necessary for the Landfill to accept waste from a power plant via barge, rather than in-plant roads. Design specifications have been shown to be safe and protective in the Landfill's operations since 2009, and have therefore not been modified.

The classification of a permit action for an existing residual waste landfill as either a major or minor modification is defined in 25 Pa. Code Section 287.154(a). The Department accepted the application in the form of a minor modification on the basis that the application did not meet the definition of a major modification as it does not propose changes that affect the site’s volume or waste capacity; the average or maximum daily waste volume; the excavation contours or final contours, final elevations and slopes; the disposal or storage capacity; groundwater isolation distances or groundwater quality, permitted acreage, the groundwater monitoring plan except for the addition of parameters, the leachate collection and treatment method, or the types of waste approved disposal. Furthermore, the application does not propose a design change under equivalency review procedure, a change in ownership, a change in operator, disposal of waste in areas that have reached final permitted elevations or a radiation protection action plan.

Also, changes in the relative portions of the different waste streams do not constitute a change in the average or maximum daily waste volume. Pursuant to Condition No. 20.B of the May 4, 2009 modification to Permit No. 300370, the Department approved waste disposal at the Hatfield’s Ferry Power Station CCB Landfill in aggregate amounts of an average of 6,850 tons per day with no more than 10,000 tons per day. The permit modification issued by the Department on September 21, 2015 does not authorize waste disposal in excess of those rates.

The Department acknowledges that the original application contained references to disposal of ‘2.5 to 2.7 million’ tons per year of Bruce Mansfield FGD that were inconsistent with the permitted waste acceptance rates. In response to the Department’s June 26, 2015 technical review letter, FirstEnergy revised the application to resolve that inconsistency.

2. Composition of Coal Ash:

Comment: The Department received the following comments objecting to disposal of Bruce Mansfield Plant wastes at the Hatfield’s Ferry Power Station CCB Landfill due to concerns regarding the presence of heavy metals in coal ash.

- The ash that is proposed for disposal at the site is from a different source than was dumped there in the past. Coal ash from the Bruce Mansfield Plant contains high levels of pollutants that rendered its former ash disposal site so dangerous that DEP filed suit in federal court alleging a threat of imminent and substantial endangerment to health and the environment. **(1.a)**
- Coal ash is an extremely toxic by-product of burning coal. Scientific and health data have been collected and studied-coal ash contains a host of heavy metals that are toxic to people's health and the environment. On the national level, coal ash has been consistently recognized as harmful and dangerous, as evidenced by the criminal environmental charges brought against Duke Energy in North Carolina resulting in a \$102 million dollar fine. **(1.b)**
- FirstEnergy is attempting to solve its toxic environmental contamination and health problems by moving coal ash from one community to another community. This will not solve the problem; it will just shift it to another community. Coal ash is toxic, hands down. This site cannot be permitted. **(1.b)**
- The toxic substances found in coal ash can inflict grave damage to the human body and the environment. These substances have been shown to escape from some coal ash disposal sites, contaminating the air, land, surface waters, and/or underground aquifers that feed drinking water wells. **(1.c)**
- Coal ash commonly contains some of the earth's deadliest toxics: arsenic, lead, mercury, cadmium, chromium, selenium. **(1.e)**
- Arsenic leachability levels of the Bruce Mansfield coal ash exceed Pennsylvania's Maximum Allowable Limits and render the ash hazardous waste, so DEP cannot approve this ash for disposal in even this Class I Residual Waste Landfill because the requirements for hazardous waste disposal are not satisfied. FirstEnergy's 2015 modification application reveals that TCLP and SPLP leach tests for the Bruce Mansfield FGD material have exceeded Pennsylvania's high TCLP thresholds, meaning the Bruce Mansfield ash should be classified as hazardous waste and must not be approved for disposal at the Hatfield CCB Landfill. **(5)**

Response: Design and operational safeguards of the modern, double-lined synthetic with composite liner Phase 3 Disposal Area have proven effective since its permitting in 2009. The synthetic liners are well suited to containing the constituents of this waste material. No liner breaches have occurred with the current design; any leaks would have been promptly detected by the leachate detection zone monitoring system, housed between the liners. Any groundwater concerns at the Hatfield's Ferry Landfill originate from historic coal mining activities, and not from the Phase 3 Disposal Area where the current waste will be deposited.

This application is for a minor permit modification, and requests to dispose of the same type of waste that has been accepted by the facility in the past, but from a different source. Previous design and operational requirements have been maintained as effective and compliant with all regulatory requirements. The permit modification issued by the Department on September 21, 2015 authorizes disposal of CCB materials for which FirstEnergy has presented appropriate analyses demonstrating that those materials are not hazardous waste as defined in 40 CFR Part 261.3 and otherwise conform to the minimum requirements for disposal at a Class I residual waste landfill as indicated in 25 Pa. Code Section 288.423 and therefore meet the facility's approved Waste Acceptance Plan. As authorized in the May 4, 2009 modification to Permit No. 300370, the Phase 3 disposal area at the Hatfield's Ferry Power Station CCB Landfill achieves the design and performance standards for Class I residual waste landfills in accordance with 25 Pa. Code Sections 288.431 through 288.457 required for acceptance of the authorized waste materials.

3. Public Health Impacts:

Comment: The Department received the following comments objecting to disposal of Bruce Mansfield Plant wastes at the Hatfield's Ferry Power Station CCB Landfill due to concerns regarding potential public health impacts associated with exposure to coal ash.

- Among the effects of the most dangerous toxicants in coal ash are:

Arsenic: It has long been known that arsenic, if ingested in very high levels, is deadly. However, lower levels of exposure are also harmful and can cause nausea, vomiting, and diarrhea; anemia and decreased production of the white, infection-fighting blood cells; abnormal heart rhythms; blood vessel damage; numbness in the hands and feet; partial paralysis; and decreased vision, even blindness. Repeated low levels of exposure over an extended period of time can produce effects similar to a one-time high level of exposure, and chronic exposure to low levels can cause skin cancer. Arsenic has also been linked to cancers of the lung, bladder, kidney, liver and prostate.

Contaminated drinking water is a primary route of arsenic exposure. Exposure from birth may increase urinary cancer risk much later in life, suggesting that people whose drinking water is contaminated by arsenic from coal ash should be monitored long-term for this cancer, even if they stop drinking the contaminated water.

Lead: As a very potent neurotoxicant, lead is highly damaging to the nervous system. This fact has been recognized for thousands of years, and for the last century, it has been recognized that children are particularly sensitive. High levels of lead exposure result in swelling of the brain, kidney disease, damage to hemoglobin, and death. But even low levels harm the developing nervous system. There is no safe level of lead exposure, particularly for children.

Mercury: Another well-known neurotoxicant, mercury has the dangerous capacity to bioaccumulate, or build up in animal tissue. When mercury leaches from coal ash into soil or water, it is converted by bacteria into an organic form which can be absorbed by small organisms and the larger organisms that in turn eat them. As it moves up the food chain, the concentration of methylmercury increases. When it has accumulated to high concentrations in fish, this becomes a major pathway for human exposure.

Mercury is particularly toxic to the developing nervous system. Exposure during gestation, infancy, or childhood can cause developmental delays and abnormalities, reduced IQ and mental retardation, and behavioral problems. State agencies regularly issue fish consumption advisories to protect women of child-bearing age and children from eating mercury contaminated fish. The FDA has set a limit of 1 part per million of methylmercury in fish.

Cadmium: Cadmium can be absorbed when ingested (taken orally) or when inhaled. Fortunately, ingestion of cadmium by mouth results in low levels of absorption. When it is inhaled, however, the lungs readily absorb it into the bloodstream. Chronic exposure can result in emphysema and other obstructive lung diseases, and kidney disease. It may also contribute to hypertension and lung cancer. Cadmium affects calcium metabolism, and therefore can cause bone mineral loss, with associated bone pain, osteoporosis, and fractures.

Chromium: In the form of chromium (III), this is an essential nutrient, but the other common form, chromium (VI), is highly toxic. Chromium can leach from coal ash into the surrounding soil and water. When ingested in contaminated water, chromium (VI) can cause stomach and small intestine ulcers. Frequent ingestion of large amounts can result in anemia and stomach cancer. Contact with the skin by some compounds of chromium (VI) can result in skin ulceration. When inhaled in large amounts, chromium (VI) can cause asthma and other breathing problems, nasal ulcers, and lung cancer.

Selenium: This common element is an essential nutrient, and too little as well as too much can be harmful. Selenium is ingested by eating plants and in drinking water. Extremely high levels of selenium have been found to accumulate in fish and amphibians living in coal ash contaminated waterways and wetlands. As confirmed by laboratory studies, selenium accumulation in fish and frogs is linked to physical abnormalities including severe developmental abnormalities and deformities, and has been held responsible for exterminating some local fish populations. Livestock that graze on plants with very high selenium levels exhibit a dramatic neurologic disease known as "blind staggers." Symptoms include depressed appetite, impaired vision and staggering in circles, and can ultimately lead to paralysis and death. Chronic exposure to high levels in humans has been shown to cause lack of mental alertness and listlessness, as well as discoloration of the skin and deformities of the nails. **(1.c, 1.e)**

- There is a local coal ash dump that has devastated an area along the Monongahela River just a few miles downstream from where FirstEnergy intends to bring its Bruce Mansfield Little Blue Dump toxic coal ash... LaBelle, Fayette County. The citizens of LaBelle live in a constant gray powder; 42 percent of the citizens of the community have some form of cancer. The citizens experience chronic health problems and some face premature death. Correctional Officers who do not live in the community but only work there have been diagnosed with numerous cancers. Inmates who were incarcerated for various crimes and arrived as healthy individuals have been constantly exposed to the toxic coal ash and many have developed chronic health problems. Numerous inmates have died. **(1.d, 1.e)**
- My parents are less than two miles from the Hatfield Plant and have lived there for 60 years. Mom has lung disease and heart disease and is on oxygen at night. My mother-in-law has heart disease. Breathing can be difficult for both of them. Please do not allow this dumping site to increase by FirstEnergy. **(2)**
- What the DEP doesn't take into consideration is what has taken place over the past five years, many of the residents of Carmichaels have begun to get very sick with different types of cancer and bacterial infections. I am providing you the names of individuals who have been diagnosed with cancer and who are currently battling the disease and the ages are ranging from 45 to 65. We all live within 1.5 miles of one another. These statistics cannot be found on-line as the latest cancer statistics are from 2003 but the reality is that we are living it every day. I can go on naming another 25 people within 6 miles of the power plant and 7 who have passed away. **(6)**

Response: The Department recognizes and accepts that toxicological studies have documented the potential for adverse health effects to result from exposure to chemical constituents in CCB waste material. The Department is convinced, however, that the solid waste management activities authorized by the permit modification issued by the Department on September 21, 2015, will effectively control and prevent that potential through implementation of environmental controls and management practices as required by the May 4, 2009 modification to Permit No. 300370 and in conformance with Departmental regulations. Design and operational safeguards of the modern, double-lined synthetic with composite liner Phase 3 Disposal Area have proven effective since its permitting in 2009. No liner breaches have occurred with the current design; any leaks would have been promptly detected by the leachate detection zone monitoring system, housed between the liners.

4. Environmental Impact of Disposal at Little Blue Run:

Comment: The Department received the following comments objecting to disposal of Bruce Mansfield Plant wastes at the Hatfield's Ferry Power Station CCB Landfill based on environmental impacts resulting from disposal of Bruce Mansfield Plant wastes at FirstEnergy's Little Blue Run Residual Waste Disposal Impoundment.

- FirstEnergy has been repeatedly cited for violations at all of their sites. May I remind you that the proposed shipment of this very coal ash to this site is because FirstEnergy failed to protect the environment and human health at their Little Blue Run coal ash impoundment. **(1.b)**
- By the DEP's own investigation, it was deemed that the fly ash dump at "Little Blue" did in fact pollute the surrounding water supplies. Now that same toxic material is being considered to be sent to Greene County. **(1.d)**
- The Bruce Mansfield Power Station, northwest of Pittsburgh, was forced to close its coal ash dump, Little Blue, because pollution from the dump was threatening nearby communities. Now, instead of finding a proper disposal site they want to put the toxic ash on barges and send it over 100 miles up the Ohio and Monongahela Rivers to the Hatfield coal ash dump. The ash to be dumped is the same ash that caused massive problems at Little Blue Run, and was ordered to close because of polluted seepage from the ash dump. It is unfair to the local community as well as areas downstream to have to receive this ash that has already been deemed too harmful for another community. **(1.e, 7)**

Response: While the Department acknowledges that disposal of Bruce Mansfield Plant FGD Material at the Little Blue Run Disposal Impoundment has resulted in environmental impacts culminating in the December 14, 2012 Consent Decree requiring closure, the Department disagrees with the commenters' supposition that similar impacts will result from disposal of that waste at the Hatfield's Ferry CCB Landfill. The two facilities are fundamentally

different in terms of their size, design and method of operations. The disposal area at the Little Blue Run Impoundment comprises 976 acres with a capacity of 135,000,000 cubic yards. The capacity of the 106.8 acre Phase 3 Disposal Area at the Hatfield's Ferry CCB Landfill is 14,065,000 cubic yards, or roughly ten percent of Little Blue Run. Waste is deposited at the Little Blue Run Impoundment in liquefied slurry form whereas waste placed in the Phase 3 Disposal Area at the Hatfield's Ferry CCB Landfill will be solid. Most significantly, the disposal area at the Little Blue Run Impoundment is unlined while the Phase 3 Disposal Area at the Hatfield's Ferry CCB Landfill is comprised of a double-lined synthetic with composite liner system with a leachate detection zone installed between the liners. The circumstances at the Little Blue Run Impoundment cannot be validly extrapolated as a basis for denial of the proposal to manage Bruce Mansfield Plant FGD Material at the Hatfield's Ferry CCB Landfill.

5. Environmental Impacts at the Existing Disposal Site:

Comment: The Department received the following comments objecting to disposal of Bruce Mansfield Plant wastes at the Hatfield's Ferry Power Station CCB Landfill based on environmental impacts resulting from prior disposal activities at the Hatfield's Ferry Power Station CCB Landfill.

- A. Pollution at the site is pervasive, ongoing, and has not been addressed. EPA has confirmed that pollution is migrating from the Hatfield Landfill, and levels of toxic pollutants including arsenic, antimony and selenium regularly and continuously exceed health-based "maximum contaminant levels" in groundwater. Monitoring samples have shown concentrations at levels in excess of 300 times the allowable limit. **(1.a)**

Response: The Department acknowledges the presence of certain chemical constituents in groundwater samples collected in monitoring wells at the Hatfield's Ferry CCB Landfill. The Phase 1 and Phase 2 disposal areas at the site were constructed prior to promulgation of the residual waste regulations in 1992 and waste was disposed on an abandoned, unreclaimed strip mine. After 1992, Allegheny Energy conducted a comprehensive groundwater and surface water assessment and investigation at the disposal site for which additional groundwater wells were installed, and updated surface and groundwater sampling points were established. That assessment, reviewed and approved by the Department's hydrogeologist, demonstrated that aquifers underlying the landfill were adversely impacted by the historical surface mining activities and resultant acid mine drainage, and not by waste disposal in Phases 1 and 2. The results of on-going groundwater monitoring continue to support that conclusion.

- B. Migration of contaminants has been confirmed by EPA's proven damage case determination, so DEP should not allow disposal of the Bruce Mansfield coal ash in this Class II landfill while this contamination is ongoing. **(1.a)**

Response: The Department is confident that the solid waste management activities described in FirstEnergy's application and authorized by the permit modification issued by the Department on September 21, 2015 will not exacerbate the historic impact of surface mining activities, and may contribute to its mitigation by effectively 'capping' portions of the mined areas with the Phase 3 liner system; thus reducing the rate of precipitation infiltration into the underlying mine spoil and reducing acid mine drainage formation.

- C. Despite the fact that a consent order has been in place to correct the pollution issues since 2008, monitoring from December 2014 continues to show exceedances of arsenic and other pollutants. **(1.a)**

Response: The solid waste management activities described in FirstEnergy's application and authorized by the permit modification issued by the Department on September 21, 2015 will have no effect on the water quality at any of the monitoring points addressed in the Consent Order and Agreement. A Consent Order and Agreement was executed between Department and Allegheny Energy Supply Company on March 28, 2008, and amended on February 23, 2011, as a result of exceedance of effluent limitations imposed at NPDES permitted monitoring points at the power station and at Outfall 007 at the Landfill. Outfall 007 is the point of discharge to the unnamed Tributary to Whitely Creek from the wetland treatment facility for the Phase 1 and Phase 2 underdrains. Wastewater generated in the double-lined synthetic with composite liner Phase 3 disposal area is treated and discharged to the Monongahela River at Outfall 014, and will have no effect on the pollutional issues addressed in the Consent Order and Agreement.

- D. The fly ash dump that is already on site has no liner and it continues to pollute the area. Chemicals such as lead, aluminum, arsenic, and hexa chromium six are found in the wastes. **(1.d)**

Response: The Department acknowledges that the Phase 1 and Phase 2 disposal areas at the Hatfield's Ferry CCB Landfill were constructed prior to adoption of the regulations requiring liner systems at residual waste landfills; however, groundwater monitoring shows no degradation is coming from waste disposed of in these areas. The Department also acknowledges that coal combustion wastes, including FGD materials such as those generated at the Bruce Mansfield Plant, can contain the constituents identified by the commenter; yet, these constituents are not migrating from waste disposed at the site. Most importantly, the solid waste management activities described in FirstEnergy's application and authorized by the permit modification issued by the Department on September 21, 2015 will be limited to the double-lined synthetic with composite liner Phase 3 disposal area, which meets current regulatory standards and which all reliable data shows to be operating safely.

- E. DEP must not approve this modification application because pollution at the Hatfield CCB Landfill is pervasive, severe, and ongoing, yet FirstEnergy and DEP have failed to establish a plan to clean up toxic releases already occurring at the site, in violation of Pennsylvania regulations. Adding an enormous amount of additional coal ash to the landfill will only compound and exacerbate the toxic loadings to the surrounding ground and surface waters, significantly complicate the process of cleaning up pollution at the site, and further threaten public health. **(5)**

Response: The Department acknowledges the presence of certain chemical constituents in groundwater samples collected in monitoring wells at the Hatfield's Ferry CCB Landfill, and that the Phase 1 and Phase 2 disposal areas at the site were constructed prior to promulgation of the residual waste regulations in 1992 and waste was disposed of on an abandoned, unreclaimed strip mine. However, comprehensive groundwater and surface water assessments and investigations have confirmed that pollution described by the commenter results from historical surface mining activities and resultant acid mine drainage, and not from waste disposal in Phases 1 and 2. Most importantly, the solid waste management activities described in FirstEnergy's application and authorized by the permit modification issued by the Department on September 21, 2015 will be limited to the double-lined synthetic with composite liner Phase 3 disposal area which meets current regulatory standards and which all reliable data shows to be operating safely; the concern expressed by the commenter is not applicable.

- F. FirstEnergy's own monitoring data submitted to DEP have plainly established that the Hatfield CCB Landfill has been releasing high levels of toxic pollutants above Maximum Contaminant Levels ("MCL") for many years. MCLs for arsenic, aluminum, boron, chromium, manganese, molybdenum, sulfate, and total dissolved solids (TDS) have been exceeded since at least 2001. Concentrations of groundwater contaminants mirror those in CCB leachate samples from the landfill collected at the same time. Since at least 2005, arsenic has repeatedly exceeded the MCL in three wells hundreds of yards south and east of the landfill, with total concentrations as much as 342 times the MCL and dissolved concentrations more than 11 times the MCL.

The most recently available groundwater monitoring data confirm this contamination is still occurring. **(5)**

Response: The Department acknowledges the presence of certain chemical constituents in groundwater samples collected in monitoring wells at the Hatfield's Ferry CCB Landfill, and that the Phase 1 and Phase 2 disposal areas at the site were constructed prior to promulgation of the residual waste regulations in 1992 and waste was disposed on an abandoned, unreclaimed strip mine. After 1992, Allegheny Energy conducted a comprehensive groundwater and surface water assessment and investigation at the disposal site for which additional groundwater wells were installed and updated surface and groundwater sampling points were established. That assessment, reviewed and approved by the Department's hydrogeologist, demonstrated that aquifers underlying the landfill were adversely impacted by the historical surface mining activities and resultant acid mine drainage, and not by waste disposal in Phases 1 and 2. The results of on-going groundwater monitoring continue to support that conclusion. Most importantly, the solid waste management activities described in FirstEnergy's application and authorized by the permit modification issued by the Department on September 21, 2015 will be limited to the double-lined synthetic with composite liner Phase 3 disposal area which meets current regulatory standards and which all reliable data shows to be operating safely.

- G. The wetland treatment system for CCB leachate is ineffective at treating several parameters indicative of CCB leachate – notably aluminum, boron, manganese, molybdenum, sulfate, thallium, and TDS – resulting violations of permit limits and continued harmful discharges to the receiving stream in violation of Pennsylvania Water Quality Criteria (WQC) for boron. In addition, a stream habitat and macroinvertebrate survey of four streams emanating from the landfill property shows that two streams closest to the CCW landfill are impaired by CCW leachate from the landfill.

Response: The Department acknowledges that exceedance of effluent limitations has been reported at Outfall 007, the point of discharge to the unnamed Tributary to Whitely Creek from the wetland treatment facility for the Phase 1 and Phase 2 underdrains. A Consent Order and Agreement was executed between the Department and Allegheny Energy Supply Company on March 28, 2008, and amended on February 23, 2011, as a result of those exceedances. The Consent Order and Agreement was terminated on July 11, 2012 and supplanted by an August 29, 2012 Consent Decree with which FirstEnergy is currently in compliance. The solid waste management activities described in FirstEnergy’s application and authorized by the permit modification issued by the Department on September 21, 2015 will have no impact on the quality of the discharge at Outfall 007. Wastewater generated in the double-lined synthetic with composite liner Phase 3 disposal area is treated and discharged to the Monongahela River at Outfall 014 is in compliance with permit limits, and will have no effect on the pollutional issues addressed in the Consent Order and Agreement.

- H. Releases of toxic pollutants from the existing Hatfield CCB Landfill at levels that are both numerous and that significantly exceed MCLs violate federal law prohibiting the operation of open dumps. (5)

Response: Disposal of FGD materials generated at the Bruce Mansfield Plant at the Hatfield’s Ferry CCB Landfill does not constitute the operation of an open dump. All activities associated with that disposal will be conducted within the double-lined synthetic with composite liner Phase 3 disposal area in accordance with the Department’s residual waste landfill regulations. The Department acknowledges the presence of certain chemical constituents in groundwater samples collected in monitoring wells at the Hatfield’s Ferry CCB Landfill from historical unreclaimed strip mining activities and resultant acid mine drainage, as stated above. The solid waste management activities described in FirstEnergy’s application and authorized by the permit modification issued by the Department on September 21, 2015 will not exacerbate that pre-existing impact.

- I. Releases of toxic pollutants from the existing Hatfield CCB Landfill may present an imminent and substantial endangerment to health and the environment, in violation of section 7003 of RCRA.

EPA has confirmed that pollution is migrating from the Hatfield CCB Landfill, and levels of toxic pollutants including arsenic, antimony, and selenium regularly and continuously exceed health-based “maximum contaminant levels” in groundwater, yet neither FirstEnergy nor DEP has addressed this contamination.

Despite pervasive evidence of contamination above health-based thresholds, DEP and FirstEnergy have continually failed to acknowledge or clean up this pollution, in violation of Pennsylvania regulations that require assessment and abatement of groundwater degradation within specified timeframes. (5)

Response: The Department acknowledges the presence of certain chemical constituents in groundwater samples collected in monitoring wells at the Hatfield’s Ferry CCB Landfill attributed to historical surface mining activities and resultant acid mine drainage. The solid waste management activities described in FirstEnergy’s application and authorized by the permit modification issued by the Department on September 21, 2015, within the double-lined synthetic with composite liner Phase 3 disposal area in accordance with the Department’s residual waste landfill regulations, will not exacerbate that pre-existing impact.

6. Potential Impacts to Drinking Water Resources:

Comment: The Department received the following comments objecting to disposal of Bruce Mansfield Plant wastes at the Hatfield’s Ferry Power Station CCB Landfill based on the potential for water pollution from the waste to degrade public and private drinking water supplies.

- There are seven private water wells at risk of contamination from this leachate. There are dwellings and businesses as close as 900 feet from the landfill and haul roads. Perhaps most importantly, the landfill is less than a quarter mile from water intake for Masontown Borough Water Authority public water system on the Monongahela River. **(1.a)**
- This proposed dump is up river of three municipal water supplies. Any run off or accidents at the site will eventually end up in our drinking water. **(1.d)**
- Please do not pollute our river any more than it is. It is in such horrible, sad shape now. This is where our public drinking and bathing water comes from. This water needs to be cleaned up, not polluted more. **(4)**
- FirstEnergy (and its predecessors-in-interest) and the DEP have consistently turned a blind eye toward the voluminous data revealing heavy metal contamination at this site and its potential impacts to downstream users in harm's way. The Masontown Borough has a public surface water intake along the Monongahela River, downstream of the Hatfield CCB Landfill located only one-quarter mile away from the permit boundary. The introduction of Bruce Mansfield coal ash just a quarter mile upstream places a burden on this public water supply system to potentially adapt to and pay for any changes in treatment required to address the new associated waste streams, which will contain a greater proportion of FGD waste and its pollutants than previous coal ash placed in the landfill **(5)**
- I am writing on behalf of my family, the community of Carmichaels and surrounding communities asking that you deny First Energy's request to amend their current application to dump waste in the "Hatfield CCB Landfill" merely based on the fact that the surrounding water authorities are not able to handle what fracking has done to our area let alone what this will do. Please give us a fighting chance and force First Energy to upgrade our old water authorities before they even think about dumping these toxins near our water source. **(6)**

Response: The Department acknowledges the commenters' sincere concerns. Design and operational safeguards of the modern, double-lined synthetic with composite liner synthetic double-lined Phase 3 Disposal Area have proven effective since its permitting in 2009. No liner breaches have occurred with the current design; any leaks would have been promptly detected by the leachate detection zone monitoring system, housed between the liners. This application is for a minor permit modification, and requests to dispose of the same type of waste that has been accepted by the facility in the past, but from a different source. Previous design and operational requirements have been maintained as effective and compliant with all regulatory requirements.

The potential impact of waste disposal activities in the Phase 3 Disposal Area relative to public and private water supplies was evaluated in the Environmental Assessment conducted pursuant to 25 Pa. Code Section 287.127, presented in the application for permitting of the Phase 3 Disposal Area, reviewed and approved by the Department in the May 4, 2009 permit approval. That assessment demonstrated that the design of the disposal area provides for measures to prevent negative impacts on those water supplies. CCB waste materials will only be deposited in areas of the site upon which a liner system conforming to Class I residual waste standards with a double-liner, composite layer and leachate collection and detection zones is deployed. The integrity of the liner system will be assured through effective quality assurance/quality control practices to be carried out under the supervision of a registered professional engineer. Leachate generated on the liner system is collected in a similarly lined storage impoundment, treated and discharged to the Monongahela River under NPDES Permit No. PA0002941. The permit modification issued by the Department on September 21, 2015 does not involve any revisions to facility's design or operation with a potential to invalidate the conclusions of that evaluation.

7. Potential Air Quality Impacts:

Comment: The Department received the following comments objecting to disposal of Bruce Mansfield Plant wastes at the Hatfield's Ferry Power Station CCB Landfill based on potential air quality impacts from fugitive emissions resulting from activities to be conducted at the site.

- The air and water control plans are vague and do not provide nearly enough information for the Department to permit this site in good faith. The Applicant states that they do not need to submit an Air Quality Control plan for this site. How can that be true? With the dumping of an average of 6,850 tons of coal ash per day, an Air Quality Control Plan should be required. Air and water pollution can travel far, impacting communities downwind and downstream. **(1.b)**
- Residents in Masontown, Adha, and Ronco will all be downwind of this dump, and will suffer the effects of the dust from this dump. **(1.d)**
- FirstEnergy’s dust control plan only provides for dust suppression measures on facility roadways and within the active area of the landfill but was not revised to include dust suppression or control measures at the barge unloading areas. The application states that the barge unloading operations have yet to be finalized, but that once they are finalized, FirstEnergy will prepare a Preparedness, Prevention, and Control (“PPC”) Plan “describing appropriate air pollution control devices.” Failure to include this information in the permit renders the permit incomplete and inaccurate, in violation of Pennsylvania regulations, and fails to ensure the protection of public health and the environment. **(5)**
- There are nearby residences and structures where potential airborne pollution associated with the proposed activities could impact nearby populations. FirstEnergy admits that the closest dwellings and businesses are just 900 feet from the haul road and landfill, with the closest structure being St. George’s church. At the recent public meeting, many community members spoke out to discuss air pollution problems that they have sustained that have been caused by the Hatfield CCB Landfill and noted that these problems significantly diminished once plant operations ceased with the closure of the associated power plant in 2013. Resuming coal ash disposal operations could once again increase dangerous and unwanted fugitive air emissions in the surrounding community. **(5)**

Response: The potential impact of waste disposal activities in the Phase 3 Disposal Area relative to fugitive particulate emissions was evaluated in the Environmental Assessment conducted pursuant to 25 Pa. Code Section 287.127 and presented in the application for permitting of the Phase 3 Disposal Area that was approved by the Department on May 4, 2009. The assessment determined the potential impact associated with placement of waste within the disposal area and activities related to borrow area operations. The assessment also proposed mitigation measures to minimize those impacts by reducing the quantity of dust particles on the facility’s roadways and within the active area of the landfill, utilization of a vacuum truck to minimize the dust on the paved portions of the haul road through the power station, conditioning of wastes prior to loading of the vehicles to minimize airborne emissions during transport and land disposal, strict enforcement a 15 mile per hour speed limit along the haul road to the facility, and establishment of vegetation on inactive areas for 6 months or longer. The permit modification issued by the Department on September 21, 2015 does not involve any revisions to the landfill’s design or operation with a potential to invalidate the conclusions of that evaluation.

The Department recognizes that disposal of Bruce Mansfield Plant FGD Material at the Hatfield’s Ferry CCB Landfill introduces a potential for fugitive particulate emissions associated with the barge off-loading operation that have not been previously evaluated by the Department. As requested by the Department, FirstEnergy revised the Operation Plan in the approved application to describe the air pollution control measures to be implemented in the area. FGD material will typically arrive at the unloading facility with latent moisture content of 20%-30% resulting in a filter cake/paste-like consistency from which there will be little likelihood for atmospheric dispersal. FirstEnergy acknowledges a potential for dusting in circumstances where the material is staged in the barge prior to unloading. That potential will be mitigated by Condition No. 7 of the September 21, 2015 permit modification requiring that the FGD be covered, enclosed or sealed prior to transport. FirstEnergy will also monitor the barge movement during transportation, as further assurance that the above measures are working properly. As a further mitigation measure, a water truck will be available at the facility from which the material may be manually wetted prior to unloading should doing so be necessary.

8. Existing Site Design:

Comment: The Department received comments objecting to disposal of Bruce Mansfield Plant wastes at the Hatfield’s Ferry Power Station CCB Landfill based on FirstEnergy’s failure to demonstrate that the existing facility as currently permitted will not cause pollution as a result of Bruce Mansfield Plant waste disposal, as follows:

A. Approved Equivalency Review Requests:

- i. Subbase: DEP approved a waiver for compacted subbase or engineered structural fill under 25 Pa. Code Section 271.231 for equivalency with Section 288.433(b)(1)(ii) to allow for the Phase III subbase to consist of 6 inches of fly ash instead of other recompacted material and/or engineered fill, even though FirstEnergy admits compacted fly ash does not meet the performance standard of being a “barrier to the transmission of liquids. While the use of the GCL *above* the compacted fly ash subbase would satisfy this performance criterion, using coal ash itself as subbase means there is no layer below this coal ash layer to detect or capture leaching of pollutants from this fly ash into underlying soils or groundwater. DEP and FirstEnergy did not provide information sufficient to justify how placing a 6-inch layer of coal ash along the entire bottom of this site serves as adequate protection from the dangers of coal ash leaching into the underlying landfills or underlying groundwater. (1.a, 5)

Response: Design and operational safeguards of the modern, double-lined synthetic with composite liner Phase 3 Disposal Area have proven effective since its permitting in 2009. No liner breaches have occurred with the current design; any leaks would have been promptly detected by the leachate detection zone monitoring system, housed between the liners. This application is for a minor permit modification, and requests to dispose of the same type of waste that has been accepted by the facility in the past, but from a different source. Previous design and operational requirements have been maintained as effective and compliant with all regulatory requirements.

The Department’s May 4, 2009 modification of Permit No. 300370 approved an alternative subbase design for the Phase 1/Phase 2 overlay portion of the Phase 3 Disposal Area in accordance with the provisions of 25 Pa. Code Sections 287.231 based on the properties of in-place ash materials and their capability to achieve the performance standards in 25 Pa. Code Section 287.433. Information was presented in the February 23, 2006 application, as revised on May 6, 2008, to document that the uppermost 6-inches of the in-place ash material reworked and compacted to 95% Maximum Dry Density provides a surface that is hard, uniform, smooth and free of debris, rock fragments, plant materials and other foreign material and that the geosynthetic clay liner component of the secondary liner provides the requisite level of resistance to liquid penetration as a 6-inch thick layer of 1.0×10^{-5} cm/sec soil. On that basis, the capability of the subbase for the Phase 1/Phase 2 overlay to bear the weight of the liner system and overlying materials; accommodate potential settlement without damage to the liner system and be a barrier to the transmission of liquids is demonstrated. The commenter’s concern regarding protection from leaching into the underlying landfills and groundwater misconstrues the function of the subbase layer. The barrier is formed by the geomembrane and composite elements of the liner system, rather than the subbase which ensures that leachate produced in the Phase 3 Disposal Area does not enter the underlying landfills and groundwater.

- ii Protective Cover: DEP approved using compacted coal ash – including fly ash, FGD, and bottom ash – for the liner’s “protective cover,” waiving the requirement that this cover be made from “clean earthen material.” While FirstEnergy’s consultants claimed in the equivalency review that this will protect the liner from physical stresses and damage, the calculations for this replacement did not account for the potential of these materials to add a significant amount of heavy metals and other toxics into the liner system that would not be present if the materials were clean, earthen materials, and this influx of additional pollution means there are more pollutants in the liner system that could potentially infiltrate underlying groundwater supplies. Furthermore, coal ash is unstable as a lining material because it breaks down over time and cannot, therefore, supply the same degree of permeability over time that it initially provides, yet the application materials do not appear to have accounted for this variability or potentially increasing instability. (1.a, 5)

Response: Design and operational safeguards of the modern, double-lined synthetic with composite liner Phase 3 Disposal Area have proven effective since its permitting in 2009. This application is for a minor permit modification, and requests to dispose of the same type of waste that has been accepted by the facility in the past, but from a different source. Previous design and operational requirements have been maintained as effective and compliant with all regulatory requirements. The Department’s May 4, 2009 modification of Permit No. 300370 approved an alternative protective cover design for the liner system of the Phase 3 Disposal Area in accordance with the provisions of 25 Pa. Code Sections 287.231 based on the properties of the ash materials and their capability to achieve the performance standards in 25 Pa. Code Sections 287.437.

The commenter's concern regarding additional heavy metals and other toxics in the liner system is unwarranted. The constituents present in the ash materials placed as protective cover will not differ from the ash materials placed on top of the cover nor have any greater potential to impact to groundwater. The capability of synthetic liner elements to withstand chemical deterioration by CCB leachate was documented in the February 23, 2006 application for the Phase 3 Disposal Area and is well established in industry practice. The permitted design of the Phase 3 Disposal Area incorporates a geocomposite drainage layer to ensure the free flow of leachate into the collection system. The performance of protective cover systems composed of coal ash materials has been demonstrated at numerous CCB disposal sites.

- iii Daily and Intermediate Cover: Residents living near the Hatfield CCB Landfill provided detailed and alarming testimony regarding their concerns over the release of airborne fugitive dust as a result of operations at the Hatfield CCB Landfill in the recent public meeting over this permit modification, and the waiver of the cover requirements that could help contain releases of dust must be made publicly available to ensure no air pollution or resulting water pollution would occur based on cover operations at this facility. The Department waived the requirements for daily cover and intermediate cover in the 2006 application and resulting 2009 modification. Commenters were unable to view any of the supporting documentation or analysis for these waivers, as both of these forms simply state “[i]n response to PADEP technical comments dated August 25, 2007, this section has been removed.” The equivalency review section has been deleted from the application, so Commenters were unable to evaluate the details or sufficiency of the daily cover waiver. **(1.a, 5)**

Response: Design and operational safeguards of the modern, double-lined synthetic with composite liner Phase 3 Disposal Area have proven effective since its permitting in 2009. This application is for a minor permit modification, and requests to dispose of the same type of waste that has been accepted by the facility in the past, but from a different source. Previous design and operational requirements have been maintained as effective and compliant with all regulatory requirements. 25 Pa. Code Sections 288.232(b) and 288.233(b) respectively allow for waiver of the daily cover and intermediate cover requirements where the composition of the waste ensures the prevention of vectors, odors, blowing litter and other nuisances, is noncombustible and allows loaded vehicles to successfully maneuver over it after placement. Waiver of the intermediate cover requirement further requires that the waste be capable of supporting the germination and propagation of vegetative cover. The Department granted waivers for these requirements in the major permit modification issued on March 31, 1998 with respect to the Phase 1 and 2 disposal areas. Similar waivers were granted with respect to the Phase 3 Disposal Area in the May 4, 2009 major permit modification based on information that was presented in Sections Q and R, and in Attachment 12R-2, of application Form 12R approved in the May 4, 2009 modification (all of which are and have been available for public review) which confirmed that continuation of the previously approved waivers was justified. The permit modification issued by the Department on September 21, 2015 does not involve any revisions to landfill's design or operation to warrant revocation of the previously granted waivers.

- B. Leachate Management: Despite extremely high levels of toxic pollutants present in landfill leachate, DEP approved this permit with no treatment of leachate prior to discharge into the Monongahela River. DEP has approved a system whereby leachate collected by the leachate collection system of the landfill will flow from the Phase III portion of the landfill by gravity to the Leachate Storage Impoundment (“LSI”). However, no chemical treatment of leachate will be employed at the LSI; the leachate would be treated for solids removal and then discharged through National Pollutant Discharge Elimination System permitted Outfall 014. Leachate collected from the leak detection system of the LSI will be pumped back into the impoundment. Given DEP's approval of waivers allowing for a significant volume of additional coal ash at this site to be used as part of the layers meant

to detect and collect leaching of pollutants, DEP should revisit whether additional treatment is necessary prior to discharge, especially given that the 2008 Consent Decree regarding illegal surface water NPDES discharges does not appear to have successfully remediated surface water pollution. **(5)**

Response: Design and operational safeguards of the modern, double-lined synthetic with composite liner Phase 3 Disposal Area have proven effective since its permitting in 2009. This application is for a minor permit modification, and requests to dispose of the same type of waste that has been accepted by the facility in the past, but from a different source. Previous design and operational requirements have been maintained as effective and compliant with all regulatory requirements. Leachate and contact surface water collected in the Leachate Storage

Impoundment at the Hatfield's Ferry CCB Landfill is discharged to the Monongahela River in accordance with the site's NPDES Permit No. PA0002941. The effluent limitations imposed by that permit at Outfall 014 were developed on the basis of the volume and composition of the leachate in relation to required protective levels for the Monongahela River. Implementation of the permit modification issued by the Department on September 21, 2015 only authorizes acceptance of waste streams which are currently approved for placement in the Phase 3 Disposal Area and which are not expected to impact the volume or composition of the leachate that is generated. With regard to the commenter's statement concerning compliance with the 2008 Consent Decree, the Department observes that none of the compliance matters addressed by that document involved Outfall 014 or were the result of waste disposal activities in the Phase 3 Disposal Area.

9. Application Deficiencies:

Comment: The Department received comments requesting denial of the application proposing disposal of Bruce Mansfield Plant wastes at the Hatfield's Ferry Power Station CCB Landfill based on technical deficiencies in the application, as follows:

- A. **Waste Classification:** Pennsylvania law states that the Department may require that waste be disposed of at a Class I landfill instead of a Class II landfill where “[m]onitoring data indicate that the waste or contaminants of the waste are migrating from the landfill.” Migration of contaminants has been confirmed by EPA's proven damage case determination, so it is critical that the landfill meets all Class I requirements in this case. However, the application repeatedly refers to the landfill as Class I and Class II. DEP may not approve an inaccurate application. The application should be modified to be clear that Class I requirements are being met and imposed. **(1.a, 5)**

Response: The design of the Phase 3 Disposal Area, Leachate Storage Impoundment and ancillary facilities as approved by the Department in the May 4, 2009 major modification to Permit No. 300370 conforms to the requirements for acceptance of Class I residual waste and the facility is operated as a Class I residual landfill. The permit modification issued by the Department on September 21, 2015 authorizing disposal of Bruce Mansfield Plant FGD Material at the Hatfield's Ferry CCB Landfill does not modify any provision of the previous permit with regard to compliance with the requirements for acceptance of Class I residual waste. As such, the facility meets the requirement to which the commenter refers.

- B. **Waste Acceptance Rate:**

- FirstEnergy plans to dump between 2.5 and 2.7 million tons of coal ash per year, and up to 10,000 tons of coal ash per day. This is a dramatic change to the character of the land and environment. **(1.b)**
- The 2015 modification application proposes to dispose of FGD at a rate of 2.5 to 2.7 million tons per year - potentially more than doubling the FGD materials to be disposed of at the landfill. **(5)**

Response: The Department acknowledges that the original application by which FirstEnergy requested approval of Bruce Mansfield Plant FGD Material at the Hatfield's Ferry CCB Landfill proposed an acceptance rate as high as 2.7 million tons per year. This request was contrary to permitted average acceptance rate of 6,850 tons per day, or 2,500,250 tons of waste per year. At the Department's direction, FirstEnergy revised the application on July 29, 2015 so as to ensure that the approved waste acceptance rates in the May 4, 2009 major modification to Permit No. 300370 remain in effect and are not exceeded.

- C. **Water Quality Monitoring:**

- i. DEP must reevaluate what wells and samples constitute “background” instead of relying upon 2006 data to establish background when pollution was already clearly occurring onsite and many of the wells labeled upgradient at that time were clearly impacted by pollution from the landfill. **(5)**

Response: Design and operational safeguards of the modern, double-lined synthetic with composite liner Phase 3 Disposal Area have proven effective since its permitting in 2009. No liner breaches have occurred with the current design; any leaks would have been promptly detected by the leachate detection zone

monitoring system, housed between the liners. This application is for a minor permit modification, and requests to dispose of the same type of waste that has been accepted by the facility in the past, but from a different source. Previous design and operational requirements have been maintained as effective and compliant with all regulatory requirements. After a review of all applicable data, the Department concludes that groundwater monitoring system is capable of identifying any contamination which might originate from the Phase 3 Disposal area. The Department concludes from its review of the application that disposal of Bruce Mansfield Plant FGD Material at the Hatfield's Ferry CCB Landfill that reevaluation of "background" water quality monitoring points is not required. Information was presented in the November 19, 2007 revisions to the February 23, 2006 Phase 3 Expansion Application to document that site's monitoring system conforms to the standards in 25 Pa. Code 288.252. The purpose of upgradient monitoring points is to allow for comparative analysis with downgradient points so as to detect recent changes in constituent concentrations indicative of impacts originating in the disposal area located in between. Valid upgradient-to-downgradient comparison does not require determination of background water quality prior to 2006.

- ii. The permit's monitoring requirements must be augmented to properly account for releases from the Bruce Mansfield coal ash placed at the Hatfield CCB Landfill. (5)

Response: The Department acknowledges the commenter's concerns and has provided for its resolution in the permit modification issued by the Department on September 21, 2015. Condition No. 3 of that document requires increased frequency of monitoring and expands the parameters for which analysis is required to include total and dissolved concentrations of: aluminum, antimony, beryllium, cobalt, chromium III, chromium VI, cyanide, thallium and vanadium.

- iii. DEP and FirstEnergy have not provided sufficient information to ensure that releases from the Phase 3 Disposal Area can be distinguished from current and ongoing releases from the unlined Phase 1 and Phase 2 portions of the landfill. (5)

Response: The Department concludes from its review of the application that disposal of Bruce Mansfield Plant FGD Material at the Hatfield's Ferry CCB Landfill will not affect the previously permitted monitoring systems for the Phase 3 Disposal Area. A release from the Phase 3 Disposal Area would necessarily entail a breach in the primary geomembrane of that area's liner system and be observed in the leachate detection system above the secondary liner. In such a circumstance, the requirements for development and implementation of a plan for remedial measures in accordance 25 Pa. Code Section 288.456(d) would address this commenter's concern prior to detection of that release at any downgradient monitoring points. Furthermore, the periodic analysis of Phase 3 area leachate required by 25 Pa. Code Section 288.456 establishes a distinguishable Phase 3 leachate fingerprint capable of detection in the currently permitted monitoring system.

D. Operational Considerations:

- i. The application states that certain activities will be conducted "weather permitting" at several points within the application. For example, the application states that the ash will cure and dry "weather permitting" with a citation that leads the reader to the statement, "during warm and dry weather conditions (greater than 40 degrees) ..." When in southwestern Pennsylvania do we have "warm, dry weather"? The application goes on to state "additional precautions and curing time are needed during inclement (wet) and cooler (less than 40 degrees) weather ..." What are those precautions? The application fails to tell us. (1.b)

Response: Weather conditions may delay the final positioning of waste until conditions improve; however, this does not present a serious concern or urgency. The concern expressed by the commenter relates to a commonplace operational technique employed at CCB landfills disposing of FGD Material. It is operationally preferable to defer final positioning of the waste after it is deposited in the disposal area so as to allow for the achievement of greater cohesion and approved workability. The cited language appearing in the Operation Plan narrative recognizes that certain factors affect that process and that landfilling practices must be adjusted to account for those factors.

- ii. The application states that the additional truck traffic from the site will be negligible. This is far from the truth. FirstEnergy also tries to downplay the noise and traffic which will come from the trucks by saying that there is already heavy traffic on Routes 88 and 21. FirstEnergy plans to run the site 24 hours a day, 7 days a week, 52 weeks a year. Even if there are no residences on the haul road, the constant truck movement to and from the proposed site will increase truck traffic, noise, and air pollution in the community. (1.b)

Response: An evaluation of impacts resulting from the movement of vehicles on the haul road between the station and landfill based on worst-case conditions equating to the daily permitted waste acceptance rates was conducted as part of the environmental assessment presented in the February 23, 2006 Phase 3 Expansion Application. Since the permit modification issued by the Department on September 21, 2015 does not authorize an increase in the permitted waste acceptance rates, and disposal of Bruce Mansfield Plant FGD Material at the Hatfield's Ferry CCB Landfill will not result in any greater traffic-related impacts.

- iii. The wetlands have two pump pits (#1 and #2). These are used to capture the drainage and pump it to settling ponds to remove suspended solids. Pit #2 handles most of the drainage and #1 hardly gets any drainage. When pit #2 fails there is a ditch that allows the drainage with suspended solids to go directly to the dam. Then, as you know, the effluent from the dam goes to Whitely Creek which flows into the Monongahela River. It is not a matter of if #2 pump pit will fail, but a matter of when and how fast you can respond. I encourage, when you grant this minor modification to the permit, to require a crew of men to be on site 24/7/365 as long as the landfill is in existence to take care of this equipment. (3)

Response: The Department acknowledges the commenter's concerns and has determined that adequate provisions have been implemented for monitoring the referenced pumping equipment. The operational status of both systems is monitored electronically and any indication of mechanical failure or power interruption is telemetered to FirstEnergy's central alarm station located in Fairmont, WV. In such instances, FirstEnergy's mobile maintenance units in the area are available for dispatch to the site to perform necessary repairs.

- E. Stability: The Hatfield CCB site and the currently leaking unlined Phase I and Phase II disposal cells were constructed over mined lands, which increase the likelihood that any leaks from disposal operations could contaminate groundwater, and would potentially violate EPA's new federal coal ash regulations and trigger immediate closure. EPA's new coal ash disposal regulations prohibit landfills from being located in unstable areas. Absent a demonstration that certain practices have been incorporated into the design of this landfill to ensure the integrity of the structure of this landfill in an unstable area, the federal regulations will prohibit FirstEnergy from placing any coal ash in the Hatfield CCB Landfill after October 2019. (5)

Response: Design and operational safeguards of the modern, double-lined synthetic with composite liner Phase 3 Disposal Area have proven effective since its permitting in 2009. No liner breaches have occurred with the current design; any leaks would have been promptly detected by the leachate detection zone monitoring system, housed between the synthetic double liners. This application is for a minor permit modification, and requests to dispose of the same type of waste that has been accepted by the facility in the past, but from a different source. Previous design and operational requirements have been maintained as effective and compliant with all regulatory requirements. A comprehensive investigation and evaluation of subsurface conditions was presented in the February 23, 2006 Phase 3 Expansion Application, as were analyses of site stability. The results of those analyses conclusively demonstrate that the subgrade on which the Phase 3 Disposal Area is constructed provides adequate structural support to ensure protection of the liner system. Since the permit modification issued by the Department on September 21, 2015 does not authorize any change to the design of the Phase 3 Disposal Area, disposal of Bruce Mansfield Plant FGD Material at the Hatfield's Ferry CCB Landfill will not result in any greater or altered potential for site instability.

- F. Financial Assurance: DEP must deny this permit because FirstEnergy failed to submit revised bonding calculations to account for changes in bond liability amount triggered by differences in the nature of the waste or adjusted costs of clean up. Given the potential for the proposed disposal of Bruce Mansfield ash at the Hatfield CCB landfill to pose a greater risk of adverse effects upon public health and the environment due to the introduction of barging the waste, the differences in toxicity levels given the doubling of FGD materials to be disposed of at this site, and the increase in liability due to inflation as the life of the unit is being extended as a

result of FirstEnergy's decision to reopen this landfill to accept this new coal ash waste source, FirstEnergy must be required to recalculate and post bonds. DEP is prohibited from approving this application unless it receives, reviews, and approves an operator's proposed bonding amount. (5)

Response: On May 22, 2015 the Department issued a permit modification for reissuance and renewal of Permit No. 300370 in which financial assurances for the Hatfield's Ferry CCB Landfill were increased from \$30,713,765 to \$32,190,024. The Department's review of the April 1 2015 application for the permit modification issued on September 21, 2015 concluded that disposal of Bruce Mansfield Plant FGD Material at the Hatfield's Ferry CCB Landfill will not result in any change in the disposal area or capacity, size of borrow area, cap design or other factor that was not accounted for in the cost estimate approved on May 22, 2015.

10. Barge Transport of Waste:

Comment: The Department received comments requesting denial of the application proposing disposal of Bruce Mansfield Plant wastes at the Hatfield's Ferry Power Station CCB Landfill on the basis that the application failed to adequately document that loading, transport, and unloading of barges will be conducted in accordance with applicable laws and regulations concerning transportation of residual wastes. The following specific concerns are cited:

- The transportation of coal ash material on barges over 113 miles has the potential for the release of toxic pollutants into surface waters, posing a threat to public health, safety, and the environment.
- The application fails to provide sufficient information to ensure the control of leachate, runoff, discharges, and emissions from the coal ash during loading/unloading operations and while in transit.
- The application lacks information required to determine compliance with the Pennsylvania regulations regarding residual waste transportation in 25 Pa. Code Chapter 299 and US Department of Transportation regulations regarding hazardous materials transportation in 49 CFR Parts 171-180. (1.a, 1.d, 5)

Response: The Department shares the commenter's concerns and requested that FirstEnergy provide documentation to address those concerns. FirstEnergy amended the PPC Plan for the Barge Transfer Area on July 2, 2015 to describe measures for pollution prevention and control associated with the unloading operation at the Hatfield's Ferry Power Station and augmented the application on July 29, 2015 to include a Transportation Compliance Plan addressing the requirements of 25 Pa. Code Chapter 299. The Department has reviewed the measures proposed by FirstEnergy, and believes they adequately address these concerns. Condition No. 6 of the permit modification issued by the Department on September 21, 2015 compels FirstEnergy to comply with those requirements. Coal combustion byproduct materials are not designated in Hazardous Material Table in 49 CFR Part 172.101 as hazardous materials for the purpose of transportation, and these federal regulations are not applicable in this instance.

Additional Responses to Public Comments:

In considering this permit application, the Department has implemented public notice and comment procedures well beyond those required for a minor permit modification application. Under 25 Pa. Code Section 287.152(c), the Department is required only to provide notice after a final action is taken on an application for a minor permit modification. In this instance, however, public notification was provided upon receipt of the application, allowing ample time for the public to submit comments to the Department before any action was taken on the application. Further, under 25 Pa. Code Section 287.153, the Department has the discretion to hold a public meeting on applications for a major permit modification. Here, the Department scheduled a public meeting on a minor permit modification application, in an effort to provide ample public outreach and opportunity for public input.

FirstEnergy has modified its proposal since the initial planning and discussions, to reduce actual and potential environmental impacts from this project. Initially, FirstEnergy proposed to construct the unloading facility for the Landfill approximately one mile from its eventual location. The initial location would have required a stream crossing and consequent impacts to that stream, and would have increased the potential for fugitive emissions in light of the travel distance to the Landfill. FirstEnergy addressed these issues by relocating the unloading facility to its current location.

FirstEnergy's application (as shown in its transportation plan and PPC plan), and the Department's mandatory permit conditions, reflect several measures to reduce the environmental impact of coal combustion waste transport and disposal. The Phase 3 Disposal Facility is a currently constructed but partially unused, modern facility; disposal at this site will reduce the likelihood that a new disposal facility will be developed at a greenfield site.

During transport, the waste will not be stockpiled on the ground at either the point of generation or disposal, but moved in continuous transport to reduce potential fugitive emissions.

Transport of waste by barge, rather than via trucks on roadways, will minimize the chances of waste releases, traffic impacts and roadway accidents. Barge transport of coal and coal combustion by-products occurs on the region's rivers on a daily basis, with only rare environmental impact.

The potential for dispersion of dust during barging will be controlled by redundant means: maintaining a fairly high moisture content in the waste material; applying soil cement upon filling of each barge; and maintaining constant surveillance of and the ability to immediately re-wet the material as the barge travels to the Landfill.

The barge unloading facility at the Landfill will be equipped with a fabricated steel drip tray which will re-direct any spillage immediately back into the barge, avoiding spillage onto the unloading area.

The unloading area will be monitored by an employee trained in taking fugitive emission readings and authorized to cease activities and implement wetting procedures if necessary.

Roads at the unloading area and Landfill will be paved, with stormwater collected. Stormwater controls will be inspected on a weekly basis.

ATTACHMENT A - List of Commenters

1. Public Meeting - May 21, 2015: Carmichaels Junior Senior High School, 300 West Greene Street, Carmichaels, PA 15320:
 - a. Sierra Club
 - b. Center for Coalfield Justice
 - c. Physicians for Social Responsibility
 - d. Izaak Walton League of America
 - e. Charles Evans Hunnel
2. Letter – May 25, 2015: Linda Waterman, 200 Briarpatch Court, Stockbridge, GA 30281
3. Letter – May 29, 2015: Vincent DiBease, 40 Forman Avenue, Uniontown, PA 15401
4. Letter – May 30, 2015: Billie Jean Kovalcheck, 325 Kovalcheck Road, Carmichaels, PA 15320
5. Letter - June 2, 2015: Environmental Integrity Project, 1000 Vermont Avenue NW, Suite 1100, Washington, DC 20005; Earthjustice, 1617 JFK Boulevard, Suite 1675, Philadelphia, PA 19103; and the Sierra Club, 85 Second Street, 2nd Floor, San Francisco, CA 94105
6. Letter - June 5, 2015: Tracy McCann, 115 Yeash Lane, Carmichaels, PA 15320
7. Via On-Line Petition, Sierra Club on behalf of:

Mitchell Struble
2006 Naudain St
Philadelphia, PA 19146-1317

Edward Colerich
1634 Pinehurst Ct
Pittsburgh, PA 15237-1598

Jesse Hare Jr
2119 Sunrise Way
Jamison, PA 18929-1348

Tina Gallaway
2458 Baker St
Harrisburg, PA 17103-2079

Lorraine Heagy
6 Sussex Pl
Lititz, PA 17543-1039

Joel Christine
632 W 15th St
Tyrone, PA 16686-2007

James Stewart
1104 Edward Dr
Pittsburgh, PA 15227-3920

Alberta Tempalski
5612 Wellesley Ave
Pittsburgh, PA 15206-1532

Rob Sackett
8720 Perry Hwy
Erie, PA 16509-5520

Deborah Peterson
213 Wissahickon Ave
North Wales, PA 19454-4115

Christopher Charry
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