

**LEGACY CCR SURFACE IMPOUNDMENT
APPLICABILITY REPORT**

FLY ASH POND

**FORMER PHILLIP SPORN GENERATING PLANT
MASON COUNTY, WEST VIRGINIA**

Prepared For:

**NEW HAVEN INDUSTRIAL PARK, LLC
500 SENECA STREET, SUITE 504
BUFFALO, NEW YORK 14204**

Prepared By:

**CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
250 W. OLD WILSON BRIDGE ROAD, SUITE 250
COLUMBUS, OHIO 43085**

CEC Project No. 344-470

November 2024



Civil & Environmental Consultants, Inc.

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FIGURES

Figure 1 - Site Location Map

Figure 2 – Fly Ash Pond Contours

1.0 PURPOSE

On behalf of New Haven Industrial Park, LLC (NHIP), Civil & Environmental Consultants, Inc. prepared this legacy coal combustion residual (CCR) surface impoundment applicability report for the Fly Ash Pond at the former Phillip Sporn Power Generation Station (Sporn Station) located in Mason County, West Virginia. Sporn Station was formerly owned and operated by American Electric Power. NHIP purchased Sporn Station in November 2019 and began demolition of the plant and redevelopment as an industrial park.

As documented in this report, the Fly Ash Pond meets the definition of a legacy CCR surface impoundment (LSI) under 40 CFR 257.53 of the Legacy CCR Rule published in the Federal Register on May 8, 2024. Pursuant to 40 CFR 257.100(f)(1)(i) and (ii), a Legacy CCR surface impoundment applicability report must be completed and placed into the facility's CCR operating record by November 8, 2024. Sporn Station and the Fly Ash Pond locations are provided on **Figure 1**.

2.0 REQUIRED INFORMATION

2.1 OWNER CONTACT INFORMATION

§257.100(f)(1)(i)(A) The name and address of the person(s) owning and operating the legacy CCR surface impoundment with their business phone number and email address.

Owner and Operator: New Haven Industrial Park, LLC
500 Seneca Street, Suite 5045
Buffalo, New York 14204

Contact Person: Jeff Wind – Environmental Compliance Manager
Business Phone: 716-447-7587
Cell Phone: 716-713-5102
Email: jwind@fic-services.com

2.2 LEGACY SURFACE IMPOUNDMENT INFORMATION

§257.100(f)(1)(i)(B) The name associated with the legacy surface impoundment.

LSI Name: Fly Ash Pond

§257.100(f)(1)(i)(C) Information to identify the legacy CCR surface impoundment, including a figure of the facility and where the unit is located at the facility, facility address, and the latitude and longitude of the facility.

Refer to **Figure 1** for impoundment location.

Facility Address 3567 Graham Station Road, Letart, WV 25253
Facility Latitude: 38° 58' 02.04" (38.967233°)
Facility Longitude: -81° 55' 24.82" (-81.9235611°)

§257.100(f)(1)(i)(D) The identification number of the legacy CCR impoundment if one has been assigned by the state.

The West Virginia Department of Environmental Protection (WVDEP) identification number is 05312.

§257.100(f)(1)(i)(E) A description of the current site conditions, including the current use of the inactive facility.

The Fly Ash Pond was constructed in circa 1965 and received CCR generated at the Sporn Station. The Fly Ash Pond was constructed as an 80-acre earthen berm impoundment composed of earthen material and was designed to impound station-generated coal ash slurry for settling prior to subsequent removal and reuse. The Fly Ash Pond ceased receiving CCR before plant closure in April 2015. Currently there is standing water above the ash deposit in the eastern portion of the Fly Ash Pond as shown on **Figure 2**.

NHIP received authorization to close the Fly Ash Pond in place from the West Virginia Department of Environmental Protection, Division of Dam Safety Services (DDSS) in December 2023. NHIP intends to request an extension of the DDSS authorization.

3.0 APPLICABILITY

§257.53 Legacy CCR surface impoundment means a CCR surface impoundment that no longer receives CCR but contained both CCR and liquids on or after October 19, 2015, and that is located at an inactive electric utility or independent power producer.

Sporn Station ceased operations in April 2015 prior to October 19, 2015, the effective date of the original CCR Rule. Under the revised Legacy CCR Rule, published in the Federal Register May 8, 2024, a surface impoundment that no longer receives CCR but contained both CCR and liquids on or after October 19, 2015, is defined as a “Legacy CCR Surface Impoundment”.

The Fly Ash Pond contains both CCR and liquids. As the pond is located at an inactive electric utility power producer and contained both CCR and liquids on or after October 19, 2015, it meets the definition of an LSI under the revised Legacy CCR Rule.

4.0 OWNER/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.

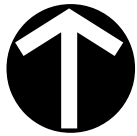
Jeff Wind – Environmental Compliance Manager

Printed Name of Authorized Representative of Owner/Operator

Signature

Jeffrey Wind

FIGURES

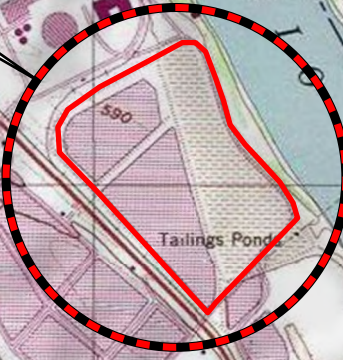


NORTH

REFERENCE(S):

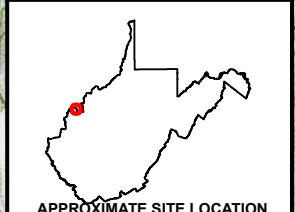
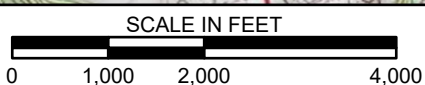
USGS 7.5 MINUTE TOPOGRAPHIC MAP:
NEW HAVEN, WEST VIRGINIA QUADRANGLE
PUBLISHED 1977

APPROXIMATE SITE LOCATION



LEGEND

 Fly Ash Pond



APPROXIMATE SITE LOCATION



Civil & Environmental Consultants, Inc.

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**NEW HAVEN INDUSTRIAL PARK, LLC
CCR APPLICABILITY REPORT
PHILLIP SPORN POWER PLANT
NEW HAVEN, WEST VIRGINIA**

SITE LOCATION MAP



DRAWN BY:	NJS	CHECKED BY:	RAS	APPROVED BY:	TBM*	FIGURE NO:	1
DATE:	11/7/2024	SCALE:	1"=2,000'	PROJECT NO:	342-470		

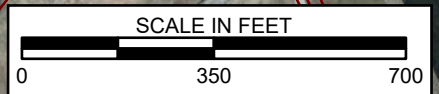
*Hand Signature on file

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LEGEND

-  Fly Ash Pond Boundary
-  Existing Ground Surface



SOURCES: 1.) U.S.D.A (APFO) FIELD OFFICE NATIONAL AERIAL IMAGERY PROGRAM (NAIP) SERVER / ACCESSED 11/7/2024. IMAGERY DATE: OCTOBER 2021.
 2.) ESRI WORLD IMAGERY (CLARITY) / ARCGIS MAP SERVICE / ACCESSED 11/7/2024. 3.) WV STATE ADDRESSING AND MAPPING BOARD (SAMB) STREAMS AND ELEVATION CONTOURS CREATED BY WEST VIRGINIA TECHNICAL CENTER, 2003.



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 PHILLIP SPORN POWER PLANT
 NEW HAVEN, WEST VIRGINIA

FLY ASH POND CONTOURS

DRAWN BY:	NJS	CHECKED BY:	RAS	APPROVED BY:	TBM*	FIGURE NO:	2
DATE:	11/7/2024	SCALE:	1"=350'	PROJECT NO:	342-470		

*Hand Signature on file

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