



NEW HAVEN INDUSTRIAL PARK

CCR FUGITIVE DUST CONTROL PLAN

**FORMER PHILIP SPORN PLANT
NEW HAVEN, WEST VIRGINIA**

Prepared For:

NEW HAVEN INDUSTRIAL PARK

3567 Graham Station Rd.

Letart, WV 25253

Prepared By:

NEW HAVEN INDUSTRIAL PARK, LLC.

500 Seneca St. Ste 504

Buffalo, NY 14204

NOVEMBER 2024

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FIGURES

Figure 1- General Site Map

APPENDICES

Appendix A – 40 CFR 257.80 Air Criteria

Appendix B – Record of Plan Revisions

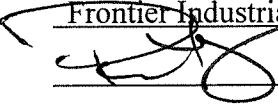
1.0 PROFESSIONAL ENGINEER'S CERTIFICATION

This CCR Fugitive Dust Control Plan was prepared to meet the requirements of 40 CFR Part 257.80(b).

Facility/Site and Address: New Haven Industrial Park LLC
3567 Graham Station Rd. Letart, WV 25253

Name of Professional Engineer: Peter M. Hartung Jr.

Company: Frontier Industrial Corporation

Signature: 

Certification Date: 11/9/24

PE Registration Number: 081484

PE Registration State: New York



PE Engineering Seal: _____

2.0 INTRODUCTION

This Coal Combustion Residuals (CCR) Fugitive Dust Control Plan (Plan) amendment has been prepared for New Haven Industrial Park, LLC (NHIP) pursuant to the air criteria of Title 40 Code of Federal Regulations (CFR), Part 257 (§257), Section §257.80 (CCR Rule). A copy of the §257.80 regulations are included in Appendix A for reference. The Plan amendment has been prepared in accordance with the air criteria and following good engineering practices to include measures that will effectively minimize CCR from becoming airborne at the facility. The Plan and subsequent amendments will be placed in the operating record that is located in the Environmental Office in the New Haven Industrial Park Office trailer, will be placed on the NHIP Operating Record, and made available for public internet access.

The Plan will be amended whenever there is a change in conditions that would substantially affect the written plan in effect. This revision to the Plan is for closure by removal of the Fly Ash Pond and Bottom Ash Pond that store residual fly ash and bottom ash CCR production from when the site operated under AEP as Phillip J. Sporn Plant.

New Haven Industrial Park was a former electric generating plant owned by AEP Generation Resources, Inc. In April 2015, all electric generating units were shut down, and in November, 2019 the Phillip J. Sporn Plant was acquired by NHIP. NHIP is in the process of completing the demolition, and redevelopment of the site as an industrial park.

There are two CCR surface impoundment systems that are subject to the CCR Rule. The CCR impoundments are known as the Fly Ash Pond and Bottom Ash Pond, respectively. CCR materials consisting of fly ash are contained in the Fly Ash Pond. CCR Materials consisting of bottom ash are contained in the Bottom Ash Pond.

As part of the New Haven Industrial Park redevelopment, NHIP will decommission the Fly Ash Pond and Bottom Ash Pond via closure by removal and will meet the closure requirements defined in §257.102 for existing CCR unlined surface impoundments.

CCR material excavated from the Fly Ash Pond and Bottom Ash Pond impoundments will be sold, capped in place or disposed of offsite. This Plan addresses the CCR units and the associated materials handling and roadways.

3.0 FACILITY DESCRIPTION AND CONTACT INFORMATION

3.1 FACILITY INFORMATION

General Information:

Name of Facility: New Haven Industrial Park

Street: 3567 Graham Station Rd

City: Letart State: West Virginia Zip Code: 25253

County: Mason

Latitude: 38.965105°N Longitude: 81.926597°W

3.2 CONTACT INFORMATION

Facility Operator:

Name: New Haven Industrial Park LLC

Street: 500 Seneca Street Suite 504

City: Buffalo State: New York Zip Code: 14204

Facility Owner:

Name: New Haven Industrial Park, LLC.

Attention: Dave Franjoine - President

Street: 500 Seneca Street, Suite 504

City: Buffalo State: New York Zip Code: 14204

Plan Contact:

Name: Jeff Wind – Environmental Compliance Manager (PEC)

Street: 500 Seneca Street Suite 504

City: Buffalo State: New York Zip Code: 14204

Mobile Telephone: (716) 713-5102

3.3 FACILITY DESCRIPTION

New Haven Industrial Park (formerly Phillip J Sporn Plant) is located on the western shore of the Ohio River in Mason County, West Virginia. The Fly Ash Pond and Bottom Ash Pond are diked reservoirs formed for the disposal of coal combustion by-products. The Fly Ash Pond portion received fly ash sluice water while the Bottom Ash Pond received bottom ash sluice water. The Fly Ash Pond and Bottom Ash Pond will be capped in place or closed by removal.

3.4 NEW HAVEN INDUSTRIAL PARK GENERAL SITE MAP

Figure 1 is an aerial map depicting the New Haven Industrial Park layout including the locations of the Fly Ash Pond and Bottom Ash Pond.

4.0 CCR FUGITIVE DUST SOURCES AND CONTROL MEASURES

The following subsections provide a description of each fugitive dust source and the applicable fugitive dust control measures for each source.

4.1 CCR FUGITIVE DUST SOURCES

The CCR Rule applies to fugitive dust originating from excavations within CCR units, haul roads, and CCR material placement areas. This section provides a description of fugitive dust sources at New Haven Industrial Park, including Excavation Areas, Placement Areas, and Roadways, which are shown on Figure 1. New Haven Industrial Park no longer generates fly ash or bottom ash since the plant ceased operation in 2015.

4.1.1 Excavation Areas

Cap in Place or Closure by Removal to comply with CCR regulations will require fly ash and bottom ash within the Fly Ash Pond and Bottom Ash Pond, respectively, to be regraded and/or excavated and removed from site. The placement and compaction of cohesive soils will be required if Cap in Place closure is selected. Fly ash and bottom ash that is excavated from their respective storage areas may be temporarily stockpiled prior to re-grading or off-site disposal. Loading and stockpiling of the moist ash is expected to create essentially no fugitive emissions. However, fugitive dust management procedures will be required in both ponds, especially when handling the dry material within each area.

4.1.2 Temporary Stockpiling

There are no permanent placement areas on site. Temporary stockpiling and staging areas will be used to decant water from the material and stage for re-grading, for sale and/or disposal off site. These materials contain or will be modified to maintain sufficient moisture to facilitate compaction such that little or no fugitive dust is expected during loading, staging, transport, and/or unloading. However, fugitive dust management procedures will be required.

4.1.3 Roadways

Bottom ash and fly ash will be hauled from excavation areas on site and loaded on trucks or placed in temporary stockpiles. Hauling distances on paved and unpaved roadway for the CCR closure by removal construction are summarized as follows:

Excavation Area	Paved Roads Distance (miles*)	Unpaved Roads Distance (miles*)
Ash Pond Pond	0.60	1.72
Bottom Ash Pond Pond	0.50	0.34

*Approximate distance.

4.2 FUGITIVE DUST CONTROL MEASURES

Fugitive dust control measures for the Excavation Areas, Temporary Stockpiling Areas and Roadways are described in the following sections of this Plan.

4.2.1 Excavation Areas and Temporary Stockpiling

The fugitive dust control measures for site excavations, temporary stockpiling, and truck loading and hauling at the Fly Ash Pond and Bottom Ash Pond will include taking precautionary measures to control fugitive dust generation. The control measures will include the following:

- Minimize the size of cut faces, terraces and/or excavation areas;
- Minimize the size and height of stockpiles;
- Minimize stockpile storage durations;
- Minimize cut face exposure time or watering exposed material as needed;
- Minimize drop heights;
- Compacting material as it is loaded; and;
- Tarping trucks if necessary.

4.2.2 Roadways

The applicable and adequate fugitive dust control measures for paved and unpaved roadways have been primarily selected in accordance with 40 CFR § 257.80. Two haul roads are crossed on the truck route to the site exit gate and these crossings are addressed as needed to minimize fugitive dust due to trucking activity.

Fugitive dust control measures for roadways are primarily: 1) watering; 2) speed controls; and, 3) truck tarping when needed. Water trucks will be used as needed based upon daily observations and recordkeeping to minimize or eliminate emissions of fugitive dust generated by truck traffic. Speed limits are posted for paved and unpaved roads at New Haven Industrial Park. If truck loads are dry and generating fugitive dust, the trucks will be watered or tarped immediately. Material carried off plant property and deposited onto public highways by vehicular traffic or erosion by water will be promptly removed and disposed of properly to minimize or prevent resuspension. These control measures are also applicable and adequate for the plant roadways used for transporting CCR. Implementation of control measures will not be necessary for roadways that are covered with snow and/or ice or if sufficient precipitation occurs to minimize or eliminate fugitive dust. Implementation of any control measures may be suspended if unsafe or hazardous driving conditions would be created by its use.

5.0 PLAN ASSESSMENT

The Plan will be periodically assessed to verify its effectiveness, and if necessary, amended in accordance with Section 8.0. The Fly Ash Pond and Bottom Ash Pond Areas and associated paved and unpaved roadways will be inspected on a daily basis. The purpose of the inspections is to determine if the control measures as described herein are being implemented as necessary to minimize or eliminate fugitive emissions. Records of inspections and the control measures implemented as a result of the inspections will be maintained. The Plan Environmental Contact (PEC) will review the inspection records when preparing the annual CCR fugitive dust control report (Annual Report, see Section 7.0) to assess the effectiveness of the Plan and determine if additional or modified measures are warranted. No inspection is necessary if the surface is covered with snow and/or ice or if precipitation has occurred that is sufficient to minimize or eliminate fugitive emissions. Implementation of any control measure may be suspended if unsafe or hazardous driving conditions would be created by its use.

6.0 CITIZEN COMPLAINT LOG

6.1 PLANT CONTACTS

Generally, complaints made to New Haven Industrial Park are by telephone and received by the PEC. In the case of holiday, weekends, or other times when the PEC may not be available, the plant guard house may receive complaint information by telephone that is provided in Section 3.0. Complaints may also be made to West Virginia Department of Environmental Protection (WVDEP) who in turn will contact the PEC.

6.2 FOLLOW-UP

All complaints will be entered into a log by the PEC with details noted such as the nature of the complaint, date, time, and other relevant details. All complaints will be followed up which may include: reviewing inspection records, discussing with NHIP employees and other contractor personnel, reviewing weather data, and contacting the person making the complaint to obtain additional information and determining the construction activity causing the complaint.

6.3 CORRECTIVE ACTION AND DOCUMENTATION

Corrective actions will be taken as needed and documented. If it is determined that the Plan needs to be amended as a result of the corrective actions, it will be amended in accordance with the Plan. If possible, the PEC will follow-up with the complainant and/or WVDEP to explain the findings of the complaint investigation, corrective actions or sampling results. Citizen complaints will be recorded in the Annual Report.

7.0 ANNUAL REPORT

The Annual Report will be prepared which includes the following components: description of actions taken to control CCR fugitive dust; a record of all citizen complaints; and a summary of any corrective measures taken. The deadline for completing Annual Reports is one year after the date of the previous report. The Annual Report will be deemed complete when the plan has been placed in the facility's operating record as described in Section 9.0.

8.0 PLAN AMENDMENTS

This Plan is a "living" document and will be amended, as necessary, whenever there is a change in conditions that would substantially affect the written Plan in effect. Amendments made to the Plan are recorded in Appendix B. The amended Plan will be placed into the facility's operating record as described in Section 9.0.

9.0 RECORDKEEPING, NOTIFICATION AND INTERNET REQUIREMENTS

9.1 RECORDKEEPING

The Plan and files of all related information will be maintained in a written operating record at the facility for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, record or study. Files may be maintained on a computer or storage system accessible by a computer. The Plan (and any subsequent amendment of the Plan) and the Annual Report will be kept in the facility's operating record as they become available. Only the most recent Plan must be maintained in the record.

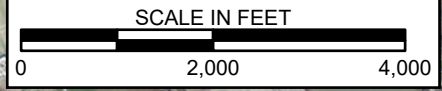
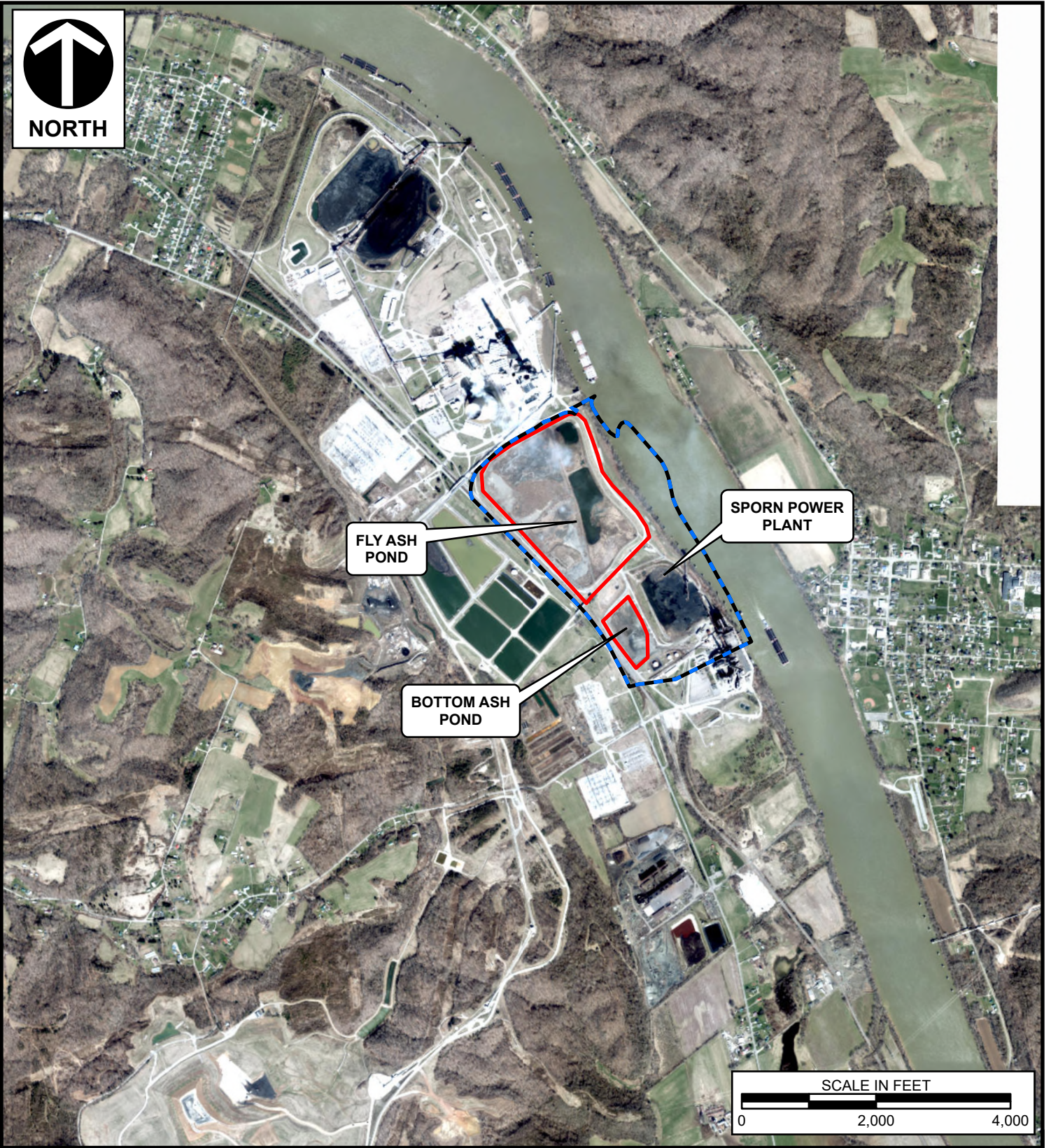
9.2 NOTIFICATION

The Director of the WVDEP will be notified within 30 days of when the Plan (or any subsequent amendment to the Plan) or the Annual Report is placed in the operating record and on the publicly available internet site. This notification will be made before the close of business on the day the notification is required to be completed. "Before the close of business day" means the notification must be postmarked or sent by e-mail. If the notification deadline falls on a weekend or federal holiday, the notification is automatically extended to the next business day.

9.3 INTERNET SITE REQUIREMENTS

The most recent Annual Report will be placed on the facility's CCR website to comply with 40 CFR 257.107.

FIGURE



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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NEW HAVEN INDUSTRIAL PARK, LLC
 CCR FUGITIVE DUST PLAN
 PHILLIP SPORN POWER PLANT
 NEW HAVEN, WEST VIRGINIA

SITE VICINITY MAP

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

*Hand Signature on file

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APPENDIX A

40 CFR 257.80 AIR CRITERIA

Title 40

SECTION 257.80

[CFR \(https://ecfr.io/\)](https://ecfr.io/) › / [Title 40 \(https://ecfr.io/Title-40\)](https://ecfr.io/Title-40) › / [Volume 27 \(https://ecfr.io/Title-40/Volume-27\)](https://ecfr.io/Title-40/Volume-27) ›

/ [Chapter I \(https://ecfr.io/Title-40/Volume-27/Chapter-I\)](https://ecfr.io/Title-40/Volume-27/Chapter-I) › / [Subchapter I \(https://ecfr.io/Title-40/Volume-27/Chapter-I/Subchapter-I\)](https://ecfr.io/Title-40/Volume-27/Chapter-I/Subchapter-I) ›

/ [Part 257 \(https://ecfr.io/Title-40/Part-257\)](https://ecfr.io/Title-40/Part-257) › / [Subpart D \(https://ecfr.io/Title-40/Part-257/Subpart-D\)](https://ecfr.io/Title-40/Part-257/Subpart-D) ›

/ [Section 257.80 \(https://ecfr.io/Title-40/Section-257.80\)](https://ecfr.io/Title-40/Section-257.80)

257.80 Air criteria.

§ 257.80 Air criteria.

(a) The owner or operator of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit must adopt measures that will effectively minimize CCR from becoming airborne at the facility, including CCR fugitive dust originating from CCR units, roads, and other CCR management and material handling activities.

(b) *CCR fugitive dust control plan.* The owner or operator of the CCR unit must prepare and operate in accordance with a CCR fugitive dust control plan as specified in paragraphs (b)(1) through (7) of this section. This requirement applies in addition to, not in place of, any applicable standards under the Occupational Safety and Health Act.

(1) The CCR fugitive dust control plan must identify and describe the CCR fugitive dust control measures the owner or operator will use to minimize CCR from becoming airborne at the facility. The owner or operator must select, and include in the CCR fugitive dust control plan, the CCR fugitive dust control measures that are most appropriate for site conditions, along with an explanation of how the measures selected are applicable and appropriate for site conditions. Examples of control measures that may be appropriate include: Locating CCR inside an enclosure or partial enclosure; operating a water spray or fogging system; reducing fall distances at material drop points; using wind barriers, compaction, or vegetative covers; establishing and enforcing reduced vehicle speed limits; paving and sweeping roads; covering trucks transporting CCR; reducing or halting operations during high wind events; or applying a daily cover.

(2) If the owner or operator operates a CCR landfill or any lateral expansion of a CCR landfill, the CCR fugitive dust control plan must include procedures to emplace CCR as conditioned CCR. Conditioned CCR means wetting CCR with water to a moisture content that will prevent wind dispersal, but will not result in free liquids. In lieu of water, CCR conditioning may be accomplished with an appropriate chemical dust suppression agent.

(3) The CCR fugitive dust control plan must include procedures to log citizen complaints received by the owner or operator involving CCR fugitive dust events at the facility.

(4) The CCR fugitive dust control plan must include a description of the procedures the owner or operator will follow to periodically assess the effectiveness of the control plan.

(5) The owner or operator of a CCR unit must prepare an initial CCR fugitive dust control plan for the facility no later than October 19, 2015, or by initial receipt of CCR in any CCR unit at the facility if the owner or operator becomes subject to this subpart after October 19, 2015. The owner or operator has completed the initial CCR fugitive dust control plan when the plan has been placed in the facility's operating record as required by § 257.105(g)(1).

(6) *Amendment of the plan.* The owner or operator of a CCR unit subject to the requirements of this section may amend the written CCR fugitive dust control plan at any time provided the revised plan is placed in the facility's operating record as required by § 257.105(g)(1). The owner or operator must amend the written plan whenever there is a change in conditions that would substantially affect the written plan in effect, such as the construction and operation of a new CCR unit.

(7) The owner or operator must obtain a certification from a qualified professional engineer or approval from the Participating State Director or approval from EPA where EPA is the permitting authority that the initial CCR fugitive dust control plan, or any subsequent amendment of it, meets the requirements of this section.

(c) *Annual CCR fugitive dust control report.* The owner or operator of a CCR unit must prepare an annual CCR fugitive dust control report that includes a description of the actions taken by the owner or operator to control CCR fugitive dust, a record of all citizen complaints, and a summary of any corrective measures taken. The initial annual report must be completed no later than 14 months after placing the initial CCR fugitive dust control plan in the facility's operating record. The deadline for completing a subsequent report is one year after the date of completing the previous report. For purposes of this paragraph (c), the owner or operator has completed the annual CCR fugitive dust control report when the plan has been placed in the facility's operating record as required by § 257.105(g)(2).

(d) The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(g), the notification requirements specified in § 257.106(g), and the internet requirements specified in § 257.107(g).

[80 FR 21468, Apr. 17, 2015, as amended at 83 FR 36452, July 30, 2018]

APPENDIX B

RECORD OF PLAN REVISIONS
