



Zimmer Power Company LLC  
Luminant  
6555 Sierra Drive  
Irving, TX 75039

November 30, 2021

Re: Annual Progress Report (§ 257.103(f)(2)(x)) for the Zimmer Power Plant

In accordance with 40 C.F.R. § 257.103(f)(2)(x), Zimmer Power Company LLC (Zimmer) submits this, “annual progress report documenting the continued lack of alternative capacity and the progress towards the closure of the CCR surface impoundment.”

#### Continued Lack of Alternative Capacity

As set forth in the retirement demonstration dated August 13, 2021, for the Zimmer Gypsum Recycle Pond, Coal Pile Runoff Pond, and D Basin, no alternative capacity exists for the CCR and non-CCR waste streams that are being disposed in the Zimmer impoundments. As EPA explained in the preamble to the proposed Part A revisions, “it would be illogical to require [] facilities [ceasing power generation] to construct new capacity to manage CCR and non-CCR wastestreams.” 84 Fed. Reg. 65,941, 65,956 (Dec. 2, 2019). EPA again reiterated in the preamble to the final revisions that “[i]n contrast to the provision under § 257.103(f)(1), the owner or operator does not need to develop alternative capacity because of the impending closure of the coal fired boiler.” 85 Fed. Reg. 53,516, 53,547 (Aug. 28, 2020). Circumstances have not changed at the Zimmer Power Plant, and there are no existing options to dispose of CCR and non-CCR other than in the Zimmer Pond System. Accordingly, there is a continued lack of alternative capacity at the Zimmer Power Plant.

#### Progress Towards Closure

As set forth in the retirement demonstration dated August 13, 2021, for Zimmer, boiler operations are expected to cease no later than May 31, 2022 and cease placement of waste is expected no later than October 17, 2022, for the initial impoundment in closure sequence. The impoundments will continue to receive stormwater, landfill leachate, and/or other non-CCR wastestreams with closure complete by October 17, 2023, as required by 40 C.F.R. 257.103(f)(2)(iv)(A). Circumstances have not changed with respect to the cessation of the boiler and completion of closure activities at Zimmer. To date, progress towards closure includes completion of closure design bidding, contract awards, and design work for the Gypsum Recycle Pond, the Coal Pile Runoff Pond, and D Basin.

Sincerely,

A handwritten signature in black ink, appearing to read "Cynthia E. Vodopivec".

Cynthia Vodopivec  
Senior Vice President, Environmental Health & Safety