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**To: Jared Morrison**  
Director, Waste and Water Programs

**Project:**  
Location Demonstrations for Inactive Unit:  
Iatan Ash Impoundment

**CC:**

**From:**  
Jay Martin, P.E., Evergy

**Date:**  
April 16, 2020

# Memorandum

**Subject: Iatan Ash Impoundment Location Restrictions Demonstrations**

## Memorandum Purpose:

To explain how Evergy is addressing coal combustion residuals (CCR) Rule Location Restriction (Title 40 Code of Federal Regulations (40 CFR) §257.60 through §257.64) requirements for the subject CCR unit which is an “inactive” CCR surface impoundment regulated under § 257.100 Inactive CCR Surface Impoundments. On June 14, 2016, the United States Court of Appeals for the D.C. Circuit ordered the vacatur of the “early closure” provisions in [40 CFR 257.100](#). The effect of the vacatur and subsequent rulemaking is that “inactive” CCR surface impoundments comply with requirements applicable to existing CCR surface impoundments on a revised timeline.

## CCR Unit Status and Regulatory Explanation:

The Iatan Generating Station Ash Impoundment is now subject to the requirement of §257.100(e)(2) which addresses the requirements to conduct certain demonstrations regarding location restrictions no later than April 16, 2020. Failure to conduct such demonstrations would subject the impoundment to the closure requirements of §257.101(b)(1). Closure by removal of the subject unit has been initiated. CCR are no longer being placed into the impoundment. Consequently, location restriction demonstrations will not be completed for this unit, which is in accordance with:

- 40 CFR §257.60 Uppermost Aquifer, subpart (c)(4);
- 40 CFR §257.61 Wetlands, subpart (c)(4);
- 40 CFR §257.62 Fault Areas, subpart (c)(4);
- 40 CFR §257.63 Seismic Impact Zones, subpart (c)(4); and
- 40 CFR §257.64 Unstable Areas, subpart (c)(4).