



REGION 6

DALLAS, TX 75270

February 4, 2025

VIA Electronic Mail: renee.collins@luminant.com

Renee Collins, Sr. Director
Luminant Generation Company, LLC
Martin Lake Steam Electric Station
6555 Sierra Drive
Irving, TX 75039

Re: Notice Letter
Resource Conservation and Recovery Act
Martin Lake Steam Electric Station
EPA ID No. TXD000821306

Dear Ms. Collins:

Solid waste including Coal Combustion Residuals (CCR) that is improperly managed poses a reasonable probability of adverse effects on human health or the environment. Through implementation of the authorities in the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 – 6992k, the United States Environmental Protection Agency (EPA) regulates the management of solid waste through the systematic administration of activities which provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of solid waste. In April 2015, EPA promulgated a comprehensive set of regulatory requirements specifically for the management of CCR in landfills and surface impoundments ("CCR Rule"). Regulations codified at 40 C.F.R. § 257, subpart D, establish a framework to regulate the handling and management of CCR. The CCR Rule establishes requirements for location standards, groundwater monitoring and corrective action, closure, post closure care, technical operating standards, inspection, monitoring, recordkeeping, and reporting.

In January 2025, the Environmental Protection Agency ("EPA"), Region 6, completed a nonfinancial records review investigation of the Martin Lake Steam Electric Station facility ("Martin Lake Plant") located at 8850 FM 2658 N in Tatum, TX 75691. The purpose of the investigation was to determine the Martin Lake Plant's compliance with the requirements of RCRA, specifically the implementing regulations for CCR. The information currently available to the EPA, collected as a result of the investigation, suggests that the Martin Lake Plant may be in violation of RCRA. By this letter, the EPA is extending the Martin Lake Plant the opportunity to advise the Agency, via a conference call, or in writing, of any further information the EPA should consider with respect to the following potential violations:

- **Failure to implement a groundwater monitoring system that meets the requirements of 40 C.F.R. § 257.91**
 - Landfill: upgradient wells may not reflect true, uncontaminated background because of placement within historic mine area.
 - PDP-5: no true background well due to groundwater mounding and radial flow.
 - Ash Pond Area: insufficient spacing and number of downgradient wells.
- **Failure to meet statistical method requirements of 40 C.F.R. § 257.93(f)**
 - PDP-5: intrawell monitoring may be an inappropriate method of statistical analysis. Potential for contaminated background values due to unit placement atop three other previously closed PDP units.
- **Failure to enter assessment monitoring pursuant to 40 C.F.R. § 257.94(e)(1)**
 - PDP-5: potentially inadequate ASDs for at least one Appendix III constituent.
- **Failure to maintain a publicly accessible Internet site with the required documents of 40 C.F.R. § 257.107**
 - Landfill: no available notification of assessment of corrective measures per 40 C.F.R. § 257.107(h)(7).

If the Martin Lake Plant is interested in participating in an opportunity to confer with the Agency with respect to the above listed potential violations, please contact Ashley McDonald, with the Office of Regional Counsel, within 10 calendar days of receipt of this letter at mcdonald.ashley@epa.gov or 214-665-6589.

Addressing noncompliance with environmental laws is important in carrying out the EPA's mission to protect human health and the environment.

Thank you for your attention to this matter. If you have any questions, please contact Ashley McDonald, at mcdonald.ashley@epa.gov or 214-665-6589, or Erin Young-Dahl, of my staff, at youngdahl.erin@epa.gov or 214-665-3166.

Sincerely,

Jeff Yurk
Manager
Waste and Chemical Enforcement Branch

Enclosure: Additional Sources of Information

cc: madelyn.flannagan@tceq.texas.gov
john.shelton@tceq.texas.gov

ADDITIONAL SOURCES OF INFORMATION

- Information on RCRA and hazardous waste regulations
<https://www.epa.gov/rcra/resource-conservation-and-recovery-act-rcra-regulations>
- Information on RCRA Subtitle D and the CCR Rule
<https://www.epa.gov/coalash>
- RCRA Civil Penalty Policy
<https://www.epa.gov/enforcement/resource-conservation-and-recovery-act-rcra-civil-penalty-policy>
- Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22
https://www.epa.gov/sites/production/files/2013-10/documents/final-crop-fr_1.pdf
- Small Business Fact Sheet
www.epa.gov/compliance/small-business-resources-information-sheet