BEFORE THE WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD

MONONGAHELA POWER COMPANY,

Appellant,

v. Appeal No.: 25-04-EQB

JEREMY W. BANDY DIRECTOR,
DIVISION OF WATER AND WASTE MANAGEMENT,
WEST VIRGINIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Appellee.

UNOPPOSED MOTION TO CONTINUE EVIDENTIARY HEARING

Appellant Monongahela Power Company ("MonPower") respectfully moves the Board to generally continue the evidentiary hearing scheduled for July 10, 2025 and set a status conference for late summer or early fall during which the parties can provide an update on the hydrologic study described below. Appellee West Virginia Department of Environmental Protection ("WVDEP") does not oppose a continuance. In support of this request, MonPower states the following:

1. At issue in this appeal is MonPower's challenge to new iron and aluminum effluent limits assigned to four storm water outlets (012, 013, 014, and 015) along a haul road leading from MonPower's Harrison Power Station to a nearby landfill for disposal of coal-combustion residuals ("CCR"). Those effluent limits are scheduled to become effective on April 1, 2028, which is the conclusion of a 36-month compliance schedule.
2. Among other grounds, MonPower asserts in the appeal that the concentrations of iron and aluminum measured in the water flowing through storm water outlets do not originate from the Harrison Power Station or the CCR landfill. Rather, MonPower believes that the source of the vast majority of flow through the four outlets, and thus the iron and aluminum in that

flow, consists of surface expressions of groundwater that originates in abandoned underground mine works created many years ago by operators unaffiliated with MonPower.

3. MonPower has retained engineering firm Tetra Tech, Inc. to perform a hydrologic study to ascertain the source(s) and chemical composition(s) of water that flow through the four outlets. The scope of work for this hydrologic study was provided to WVDEP for comment on May 20, 2025 and is set forth in Exhibit 1. In general, the study consists of three phases.
4. The first phase of the hydrologic study entails gathering and reviewing relevant data, including information about ownership of the surface and minerals for the area in the vicinity of the haulroad and discharge monitoring data for the four outlets.
5. The second phase of the hydrologic study involves water sample collection and analysis for various locations in the vicinity of the haulroad.
6. Once all the data is gathered and reviewed, the third phase involves Tetra Tech providing an evaluation of what can be concluded from a scientific analysis of that data, in terms of the sources and concentrations of iron and aluminum in the water that flows through the four haulroad outlets. (If needed, this information could also be used to evaluate treatment options for the water flowing through the four outlets.)
7. Tetra Tech is expected to commence work on the hydrologic study during the week of June 23, 2025. MonPower expects the study to take between six to twelve months to complete.
8. Depending on the results of the study, MonPower may submit an application to WVDEP to remove the effluent limits assigned to one or more of the four outlets, recalculate the effluent limits to provide credit to MonPower for the concentrations of iron and/or aluminum that originate from areas outside of MonPower's control, or approve a proposed treatment system for the discharges.

9. To provide time to complete the study and take appropriate steps based on the results of the study, MonPower asks the Board to continue generally the evidentiary hearing currently scheduled for July 10, 2025. MonPower also asks the Board to schedule a status conference for late summer or early fall during which MonPower and WVDEP can advise the Board on the status of the hydrologic study and recommended next steps.

10. In consideration of the above, MonPower contends good cause exists to grant this Motion. MonPower is authorized to state that WVDEP does not oppose this request for a general continuance.

Monongahela Power Company
By counsel

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CERTIFICATE OF SERVICE

I, Robert M. Stonestreet, counsel for Appellant Monongahela Power Company, do hereby certify that a copy of the foregoing **Unopposed Motion to Continue Evidentiary Hearing** has been served upon the Appellee this 23rd day of June, 2025, via e-mail and U.S. mail to the following:

Jonathan C. Frame, Esq.
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West Virginia Department of Environmental Protection
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Robert M. Stonestreet (WV Bar No. 9370)

Exhibit 1

PROJECT UNDERSTANDING

Monongahela Power Company's ("MonPower") Harrison Power Station received a renewal of their Solid Waste/NPDES Permit in February 2025. In this renewal the West Virginia Department of Environmental Protection (WVDEP) included limits for aluminum and iron at Haul Road Storm Water Outfall 012, and limits for iron at Outfalls 013, 014, and 015, with all limits scheduled to become effective on April 1, 2028, along with Compliance Conditions for periodic updates on progress to achieve compliance. WVDEP has indicated a willingness to consider information to support removal of the limits based on a demonstration that MonPower's operations are not the source of the AMD that led the WVDEP to impose the limits, or to recalculate the effluent limits to account for the concentration of aluminum and iron in the AMD when it reaches the haul road and provide limits that reflect crediting for those AMD pollutants. The first Permit Condition deadline is for developing a plan of action and it is due for submission to WVDEP by July 1st, 2025.

SCOPE OF SERVICES

In accordance with our project understanding summarized above and discussions with MonPower, Tetra Tech has developed this Scope of Work (SOW) using the work breakdown structure (WBS) for technical activities noted below:

Task 100 – Desktop Review and Initial Site Visit

Work under this task includes a desktop review of available records and coordination with MonPower Real Estate, Engineering, and Environmental staff to complete the following activities:

- Coordinating with MonPower Real Estate to document current ownership of surface and mineral rights for the AMD-producing areas adjoining the Haul Road along the contributory drainage area for Outfalls 012 through 015 (the "study area").
- Reviewing available in-house records and coordinating with MonPower Engineering (as needed) to compile historical mapping (mining and topography) and geologic cross-section information that document the AMD-producing areas adjoining the haul road are not hydraulically connected to the mine workings located beneath the landfill facility as the coal seam outcrops on both sides of Robinson Run.
- Coordinating with MonPower Environmental to obtain the last five (5) years of analytical data for the four haul road Outfalls as well as for the Station's intake water, which is applied multiple times per day to the haul road for dust control. Tetra Tech will take this data and prepare time series graphs for aluminum and iron concentrations in both water sources.

Once these initial activities are completed, Tetra Tech will perform a one-day (8-hour) site visit by a two-person field team to assess the physical conditions of the haul road study area to assist in the development of the sampling and analysis program (SAP) outlined under Task 200. Upon completing the site visit, we will schedule and participate in a status review meeting with MonPower to discuss the desktop study and site visit findings and proposed SAP.

Task 200 – Sampling and Analysis Program (SAP)

Work performed under this task will include developing an SAP to collect data that will allow us to determine the relative contributions of aluminum and iron from AMD discharges and haul

road runoff. The final SAP will be established based on the findings from the work outlined under Task 100, but for purposes of this proposal we have assumed the program will initially include:

- Establishing two to three locations along the haul road highwall where a consistent and sufficient volume of AMD flow is produced to allow for routine sampling.
- Establishing two to three locations along the haul road edge of pavement where runoff samples can be obtained, with sampling to be performed concurrent with AMD sampling.
- Obtaining combined flow samples from Outfalls 012 through 015 concurrent with the AMD and haul road runoff samples.

For the AMD and haul road runoff, sampling flow rates will be obtained based on the time required to fill a specific unit volume in each collector (e.g., 100 ml, 200 ml, etc.) For the combined water (Outfalls), sampling flow rates will be based on either measuring weirs (if present) or by the time required to fill a one or five gallon bucket (depending on the culvert discharge rate). Total contributary flow volumes will initially be estimated based on the following:

- AMD: Surface area of exposed AMD-producing coal seam along the haul road study area and typical porosity/yield values for solid subbituminous coal (gpm/square foot basis).
- Dust Control Runoff: Using the water truck discharge rate, transit time along the haul road study area, and the number of truck passes during a given sampling event.
- Stormwater Runoff: For a qualifying sampling event, estimate the total rainfall volume for the study area based on the corresponding daily precipitation measured at the Station.

The estimated volumes listed above will then be adjusted to correlate with the combined flow rates measured at the Outfalls. As the project progresses, Tetra Tech will work with MonPower to determine if a more precise way to calculate contributary flow volumes is warranted (e.g., construction of flow isolation/collection sumps).

Based on our discussions with MonPower, Tetra Tech will perform the field sampling outlined above and we will coordinate directly with MonPower's in-house Beta Lab to obtain sampling supplies (coolers and bottle ware) and to perform the analytical testing. The testing program parameter list will initially mirror the parameter list for Outfalls 012 through 015 but may be modified based on the findings and/or the potential need to measure other parameters that would be of use for a treatability study. For this initial scope of work, Tetra Tech has assumed that field sampling will be performed as follows:

- Weekly for the first month (four total sampling events); and
- Bi-weekly for the next two months (four total sampling events).

As each sampling event is completed, Tetra Tech will prepare/update time series graphs for aluminum and iron concentrations that depict each of the contributory water sources along with mass balance breakdowns for the parameters based on the estimated total contributary flows. At the completion of the first four sampling events, we will prepare and submit a technical memorandum that summarizes the work performed and findings to date, along with supporting field notes/COCs, lab test reports, data summary tables, and graphs. Upon completion of the next four sampling events, we will update the technical memorandum to cover all work performed up to that time, along with recommendations for the next step(s) to be taken to develop the compliance approach.