

April 9, 2026

Jared Morrison  
Senior Director, Environmental Services  
Evergy Metro, Inc.  
818 South Kansas Avenue  
Topeka, KS 66612

**Subject:       Extension of Closure Timeframe  
                  La Cygne Generating Station  
                  Upper AQC Impoundment**

Dear Mr. Morrison,

On behalf of Evergy Metro, Inc. (Evergy), in accordance with Title 40 Code of Federal Regulations (40 CFR) §257.102(f)(2)(i) of the U.S. Environmental Protection Agency Federal Coal Combustion Residuals (CCR) Rule (40 CFR §§257 and 261), effective October 19, 2015 and subsequent revisions, AECOM has prepared this demonstration of the need for a two-year extension for the completion of closure of the La Cygne Generating Station Upper AQC Impoundment due to factors beyond the facility's control. The CCR Rule allows for this extension based on factors that may include:

- A.     Complications stemming from the climate and weather, such as unusual amounts of precipitation or a significantly shortened construction season;
- B.     Time required to dewater a surface impoundment due to the volume of CCR contained in the CCR unit or the characteristics of the CCR in the unit;
- C.     The geology and terrain surrounding the CCR unit will affect the amount of material needed to close the CCR unit; or
- D.     Time required or delays caused by the need to coordinate with and obtain necessary approvals and permits from a state or other agency.

Pursuant to 40 CFR §257.102(f)(2)(i), Evergy is providing this demonstration to extend the time necessary to close the Upper AQC Impoundment. The project background, discussion of the extension of the closure timeframe, estimated closure schedule, and certification are presented below.

## **1.       BACKGROUND**

Evergy's La Cygne Generating Station Upper AQC Impoundment is located about seven miles east of La Cygne, Kansas, east of State Highway 69. The Impoundment is permitted by the Kansas Department of Health and Environment – Bureau of Waste Management (KDHE-BWM) with a footprint of 327.6 acres. Per the current written closure plan, the final closure of the Upper AQC Impoundment will be accomplished by closure in place with a final cover system. For construction phasing purposes, the Upper AQC Impoundment has been divided into regions as follows:

- Region 1 – 47.1 acres
- Region 2 North – 35.7 acres
- Region 2 South – 26.3 acres
- Region 3 – 41.3 acres
- Region 4 North – 23.4 acres
- Region 4 South – 27.6 acres
- Region 5 – 60.9 acres
- Region 6 – 65.3 acres

Further details regarding closure activities to date and remaining closure activities for the Impoundment are presented below.

## 2. EXTENSION OF CLOSURE TIMEFRAME

40 CFR 257.102(f)(2)(i) states:

*The timeframes for completing closure of a CCR unit specified under paragraphs (f)(1) of this section may be extended if the owner or operator can demonstrate that it was not feasible to complete closure of the CCR unit within the required timeframes due to factors beyond the facility's control.*

The initial written closure plan for the Upper AQC Impoundment was dated October 14, 2016. Following this date and prior to commencing these closure activities, Everyg contracted with an engineering consultant (AECOM) to prepare the engineering documents required to submit a permit application to the KDHE for a closure test site within Region 1. The permit application was submitted in December 2018 and requested permission to do a test site for proof of concept of utilizing an LLDPE synthetic cover system for closure. Region 1 was divided into two equally sized drainage areas, with half utilizing soil/clay cover and the other half utilizing synthetic cover. KDHE approved the permit application for the test site on April 25, 2019.

Following acceptance of the permit application, Everyg again contracted AECOM to provide engineering documents required for construction of the test site in Region 1 to support permitting with KDHE. Issued for construction drawings were provided in September 2019. Construction of the test site began in January 2020 and was considered permitting activities and not initiation of closure, since the test site had to be approved by KDHE.

Everyg again contracted AECOM to prepare the engineering documents required to submit a permit application to the KDHE for closure of Region 2 with synthetic cover. The permit application was submitted in October 2020 and, following subsequent revisions, was approved on February 11, 2022.

The Upper AQC Impoundment is an unlined CCR surface impoundment. As such, 40 CFR 257.101(a)(1) dictates that closure of the unit must begin no later than April 11, 2021. A Notification of Intent to Close for the Impoundment was therefore placed in the operating record on April 9, 2021, in accordance with 40 CFR 257.102(g).

Construction of Region 1 (47.1 acres) was substantially completed in December 2021, with seeding and other punch list items taking place in 2022. KDHE visited the site in 2022 to review the test site to compare the soil cover to the synthetic cover areas. At this time, KDHE approved utilizing synthetic cover for the remainder of the Impoundment.

Evergy again contracted AECOM to prepare the engineering documents required to submit a permit application to the KDHE for closure of Regions 3 through Region 6 with synthetic cover. The permit application was submitted on June 15, 2023, and KDHE approved the permit application on July 10, 2023. Following approval of the permit application, the following milestones describe design and construction activities to date for closure of the Impoundment:

- May 3, 2021: AECOM provided issued for construction drawings for Region 2 South
- Construction of Region 2 South (26.3 acres) began in July 2021 and was substantially completed in July 2022
- Dewatering sumps were dug in Region 2 North in the summer and fall of 2021
- Dewatering drainage ditches were constructed in the Region 2 North area between August 2022 and November 2022
- June 14, 2023: AECOM provided issued for construction drawings for Region 2 North
- Construction of Region 2 North (35.7 acres) began in July 2023 and was substantially completed in December 2023
- Dewatering drainage ditches were constructed in the Region 3 and Region 4 area between June 2022 and December 2023
- June 27, 2024: AECOM provided issued for construction drawings for Region 3 and Region 4
- Construction of Region 3 and Region 4 North (64.7 acres) began in October 2024 and was substantially completed in September 2025

To date, Region 1, Region 2, Region 3, and approximately half of Region 4 have been closed for a total closure acreage of approximately 173 acres. Construction of Region 4 South has begun, and design for Regions 5 and 6 is ongoing.

The pace of construction activities has been limited to closing an average of approximately 30 acres per construction season due to several factors. Discrete regions need to be completely closed within a construction season (generally March through December each year, pending weather conditions) to be able to discharge non-contact stormwater through discharge structures. Otherwise, a risk of overtopping the perimeter embankment with contact water exists if ponded water is not allowed to discharge freely. Additionally, it has been found that the CCR material within the Impoundment has areas that hold water and do not release water until disturbed by excavation. These areas pose a safety concern for sinking construction equipment and typically require a combination of allowing time to drain the water or mix with suitable material if the wet material will not freely release water due to the nature of the CCR material. Because of these conditions, the construction sequencing has included dewatering efforts in the subsequent region while the current region is under closure construction. By beginning these dewatering efforts for each region in the construction period prior to closure, it gives the material time to release water. Dewatering efforts have included digging long drainage ditches along strategic drainage routes within each region and additional drainage ditches to route this water to the principal spillway of the Impoundment so that water can freely drain. Finally, construction traffic is limited to access routes that do not disturb ongoing synthetic cover installation or the drainage ditches for dewatering.

It is because of these reasons that it has not been feasible to complete the closure of the impoundment within five years of commencing closure activities.

### 3. ESTIMATED CLOSURE SCHEDULE

40 CFR 257.102(f)(2)(i) further states:

*If the owner or operator is seeking a time extension beyond the time specified in the written closure plan as required by paragraph (b)(1) of this section, the demonstration must include a narrative discussion providing the basis for additional time beyond that specified in the closure plan.*

The current written closure plan for the Upper AQC Impoundment is dated January 2024 and includes the following estimated closure schedule, which assumes at least three, two-year extensions will be sought in accordance with 40 CFR 257.102 (f) (2) due to the reasons described above. As this extension is the first two-year extension, there is no change to the estimated closure schedule in the current written closure plan.

**Table 1. Estimated Closure Schedule for the Upper AQC Impoundment**

Activity	Date
Initial Written Closure Plan	October 14, 2016
Notification of Intent to Close Placed in Operating Record	April 9, 2021
Initiation of Closure / Coordinating with and obtaining necessary approvals and permits from other agencies	April 9, 2021
Cover evaluations, dewater and stabilization	September 2020 – April 2031
Closure Construction of Region 1	Completed July 2022
Closure Construction of Region 2	Completed December 2023
Receive final permit from KDHE for construction of Region 3 through Region 6	2023
Closure Construction Region 3	2023-2025
Closure Construction Region 4	2024-2027
Closure Construction Region 5	2026-2029
Closure Construction Region 6	2028 - 2032
Year all closure construction activities will be completed	2032 <sup>(1)</sup>

*Notes: (1) Final closure of Surface Impoundments must be completed within five years of commencing closure unless a demonstration is placed in the operating record document (40 CFR 257.102 (f) (2)). Completion of closure activities may be extended for multiple two-year periods in accordance with 40 CFR 257.102 (f)(2)(i) through (iii). At least three two-year extensions are anticipated to be sought in accordance with 40 CFR 257.102 (f) (2) in order to accommodate the construction schedule for dewatering, limited capacity for construction traffic and completing closure activities for the Upper AQC Impoundment.*

## 4. CONCLUSION

Evergy has demonstrated the need for a two-year extension for the completion of closure for the La Cygne Upper AQC Impoundment due to factors beyond the facility's control. The certification statement required under 40 CFR §257.102(f)(2)(iii) has been provided at the end of this letter and is signed by an authorized representative of Evergy as the Owner/Operator.

Yours sincerely,

A handwritten signature in blue ink that reads "Joslyn Townsend". The signature is written in a cursive, flowing style.

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## OWNER OR OPERATOR CERTIFICATION

As required by 40 CFR 257.102(e)(2)(iii), Evergy's undersigned authorized representative certifies the following:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

By \_\_\_\_\_  
(authorized signature)

By Jared Morrison  
(print or type name)

Company Evergy

Title Senior Director Environmental Services

Date August 9, 2026