

**CLECO POWER LLC
BRAME ENERGY CENTER
LENA, RAPIDES PARISH, LOUISIANA**



**CCR COMPLIANT
WETLANDS AND ECOLOGICAL
ASSESSMENT**

**ASH MANAGEMENT LANDFILL
CELL 4**

AGENCY INTEREST NO. 2922

D-079-0390/P-0379-R1-M3

DECEMBER 2023

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A Certification

1.0 INTRODUCTION

On April 17, 2015, the United States Environmental Protection Agency (EPA) issued the final version of the federal coal combustion residuals rule (CCR Rule) to regulate the disposal of CCR materials generated at coal-fired units. The rule is being administered as part of the Resource Conservation and Recovery Act (RCRA, 42 U.S.C. §6901 et seq.), using the Subtitle D approach.

Cleco Power LLC (Cleco) operates an existing coal combustion residuals (CCR) landfill referred to as the Ash Management Landfill at the Brame Energy Center (BEC) located near Boyce, Rapides Parish, Louisiana. The landfill is considered a Type I Industrial Facility by the Louisiana Department of Environmental Quality and operates under solid waste permit P-0379-R1-M3. Cells 1-3 of the Ash Management Landfill were active prior to the effective date of the CCR Rule. On October 11, 2021, the Louisiana Department of Environmental Quality (LDEQ) approved a minor modification for design changes to Cell 4 to comply with CCR design requirements. These changes included raising the excavation grades in Cell 4, changes to final waste grades, raising the perimeter levee elevations, and reorientation of the leachate collection trenches. Cleco contracted and completed the design and construction of the lateral expansion for Cell 4 of the Ash Management Landfill. This report is to certify that Cell 4 of the Ash Management Landfill was designed, operates and meets the criteria outlined in 40 CFR 257.61(a).

Per 40 CFR §257.61(b), Cleco must obtain certification from a qualified professional engineer that the wetlands assessment meets the requirements of 40 CFR 257.61(a) and is included in **Appendix A**.

2.0 WETLANDS AND ECOLOGICAL ASSESSMENT

40 CFR 257.61 (a) states that new CCR landfills, existing and new CCR surface impoundments, and all lateral expansions of CCR units must not be located in wetlands, as defined in Section 232.2 of this chapter, unless the owner or operator demonstrates by the dates specified in paragraph (c) of this section that the CCR unit meets the requirements of paragraphs (1) through (5) below:

1. Where applicable under Section 404 of the Clean Water Act or applicable state wetlands laws, a clear and objective rebuttal of the presumption that an alternative to the CCR unit is reasonably available that does not involve wetlands.

On May 29, 1977, Cleco was issued a Section 10/404 permit (Permit Number LMN-OD-SP (Bayou Jean de Jean) by the New Orleans District of the United States Army Corps of Engineers (USACE) for dredge and fill activities for installation and maintenance of fill and a levee system for construction of a private ash pond off Bayou Jean de Jean at the current Brame Energy Center in Rapides Parish, Louisiana. The permit was specifically for dredge and fill associated with Bayou Jean de Jean and the areas within the Ash Management Area (including Cell 4) were not considered jurisdictional wetlands during the permit review process.

2. The construction and operation of the CCR unit will not cause or contribute to any of the following:
 - (i) A violation of any applicable state or federal water quality standard;

- (ii) A violation of any applicable toxic effluent standard or prohibition under section 307 of the Clean Water Act;

The landfill design provides for conveyance of discharges during construction and operation activities to LPDES compliance points in accordance with LDEQ Water Quality Standards.

- (iii) Jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat, protected under the Endangered Species Act of 1973;

Endangered Species

Federally-listed threatened and/or endangered species in Rapides Parish include:

- Northern long-eared bat (*Myotis septentrionalis*)
- Louisiana pearlshell mussel (*Margaritifera hembeli*)
- Pallid sturgeon (*Scaphirhynchus albus*)
- Interior least tern (*Sterna antillarum athalassos*)
- Red-cockaded woodpecker (*Picoides borealis*)

Based on habitat requirements of the listed species, adverse impacts to those species as well as impacts to critical habitats are not likely to occur from Cell 4 of the Ash Management Area Landfill.

- (iv) A violation of any requirement under the Marine Protection, Research, and Sanctuaries Act of 1972 for the protection of marine sanctuary.

Marine Protection, Research, and Sanctuaries Act

The Marine Protection, Research, and Sanctuaries Act is not applicable at this site.

3. The CCR unit will not cause or contribute to significant degradation of wetlands by addressing all of the following factors:
- (i) Erosion, stability, and migration potential of native wetland soils, muds, and deposits used to support the CCR unit;
 - (ii) Erosion, stability, and migration potential of dredged and fill materials used to support the CCR unit;
 - (iii) The volume and chemical nature of the CCR;
 - (iv) Impacts of fish, wildlife, and other aquatic resources and their habitat from release of CCR;
 - (v) The potential effects of catastrophic release of CCR to the wetland and the resulting impacts on the environment; and
 - (vi) Any additional factors, as necessary, to demonstrate that ecological resources in the wetland are sufficiently protected.

The Ash Management Area (including Cell 4) was not considered to be jurisdictional wetlands during the initial 404 permit review process.

4. To the extent required under section 404 of the Clean Water Act or applicable state wetlands laws, steps have been taken to attempt to achieve no net loss of wetlands (as defined by acreage and function) by first avoiding impacts to wetlands to the maximum extent reasonable as required by paragraphs (a)(1) through (3) of this section, then minimizing unavoidable impacts to the maximum extent reasonable, and finally offsetting remaining unavoidable wetland impacts through all appropriate and reasonable compensatory mitigation actions (e.g., restoration of existing degraded wetlands or creation of man-made wetlands); and

The Ash Management Area (including Cell 4) was not considered to be jurisdictional wetlands during the initial 404 permit review process.

5. Sufficient information is available to make a reasoned determination with respect to the demonstrations in paragraphs (a)(1) through (4) of this section.

The Ash Management Area (including Cell 4) was not considered to be jurisdictional wetlands during the initial 404 permit review process.

4.0 CONCLUSION

Based on the results of the wetlands assessment, the landfill was not constructed in wetlands under the jurisdiction of the USACE and that significant degradation of wetlands is not occurring. The NPDES permit requires compliance with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants. At no time during evaluation and reissuance of each NPDES permit has LDEQ or EPA documented or demonstrated that effluent exceedances or the discharge of toxics has occurred which has resulted in the violation of any applicable water quality criteria. Based on the habitat requirements for the species listed as threatened and/or endangered under the Endangered Species Act of 1973, the continued existence of listed species and/or their critical habitat is not jeopardized as a result of construction activities within the Ash Management Area Landfill.

APPENDIX A
CERTIFICATION

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CERTIFICATION

I certify that this Wetlands and Ecological Assessment fulfills the minimum requirements of 40 CFR 257.61, as applicable. This certification is based on my review of the Cleco Brame Wetlands and Ecological Assessment and operational information about the CCR unit.

Gary J. Leonards, P.E.

Name

30568

Louisiana

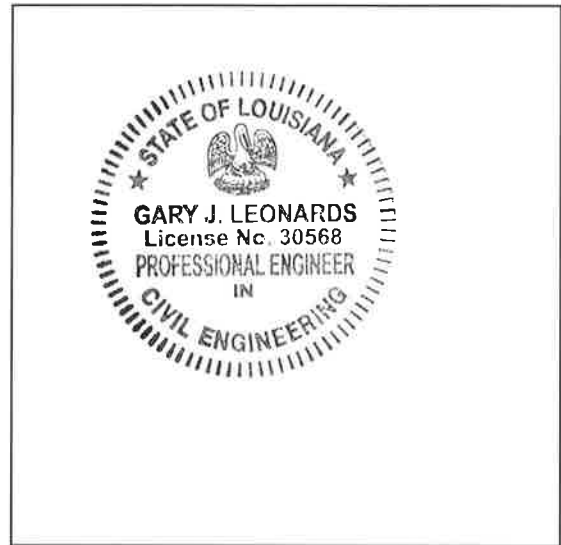
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Signature

Date

12/29/23



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