

## Legacy CCR Surface Impoundment Non-Applicability Report

### Venice Energy Center, Venice, Illinois

Pursuant to 40 CFR 257.100(f)(1), owners and operators of legacy CCR surface impoundments must prepare an applicability report no later than Friday, November 8, 2024. EPA defines “legacy CCR surface impoundment” in 40 CFR 257.53 to mean “a CCR surface impoundment that no longer receives CCR but contained both CCR and liquids on or after October 19, 2015, *and that is located at an inactive electric utility or independent power producer*” (emphasis added). EPA defines “inactive electric utility” as “any electric utility or independent power producer that ceased providing power to electric power transmission systems or to electric power distribution systems *before* October 19, 2015” (emphasis added).

When EPA issued its final “legacy CCR rule,” 89 Fed. Reg. 38950 (May 8, 2024), it also issued a presumptive list of legacy CCR surface impoundments (accessible here: [Legacy Surface Impoundments \(epa.gov\)](https://www.epa.gov/legacy-surface-impoundments)). This list includes the N. Pond and S. Pond at Ameren’s Venice Energy Center in Venice, Illinois. However, Venice is an active facility that continues to provide power to electric power transmission systems. As a result, by definition, the N. Pond and S. Pond cannot be considered legacy CCR surface impoundments.

This report documents the non-applicability of EPA’s legacy CCR rule to the N. Pond and S. Pond at Ameren’s Venice Energy Center.

*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.*



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Date: October 3, 2024