



# **Coal Combustion Residual Legacy Rule Applicability Report**

*Ben French Power Plant, Rapid City, South Dakota*

Prepared for:  
Black Hills Power  
409 Deadwood Avenue  
Rapid City, SD

Prepared by:  
Barr Engineering Co.

May 2026

## Certification

*I hereby certify that I have examined facility records and, being familiar with the provisions of 40 CFR 257 Subpart D, attest that this Coal Combustion Residuals (CCR) Legacy Rule Applicability Report has been prepared by me or under my direct supervision in accordance with good engineering practice, including consideration of relevant industry standards and the requirements of 40 CFR § 257.100(f)(1). I further certify that I am a duly Licensed Professional Engineer under the laws of the State of South Dakota and that I have professional experience with surface impoundment design, operation, monitoring and closure.*

The services performed by Barr for this Project have been conducted in a manner consistent with the level of skill and care ordinarily exercised by other members of the profession currently practicing in this area. No other warranty, expressed or implied, is made.

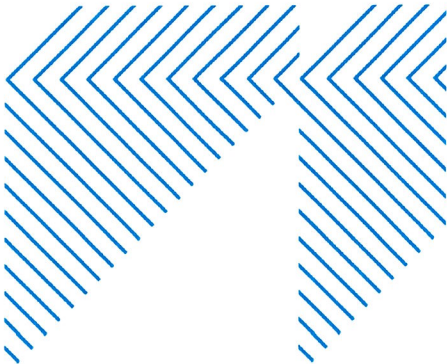


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Paul T. Swenson, PE  
South Dakota 8949

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May 8, 2026  
Date



**CCR Legacy Rule  
Applicability Report**

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## 1 Background and purpose

Black Hills Power (BHP) owns and operates Ben French Power Plant (Ben French), a previously coal-fired electrical generation station located near Rapid City, SD. Ben French ceased coal-fired operations in 2012. Coal-fired assets were subsequently decommissioned in 2014, but diesel generators and combustion turbines remain and are currently in operation at the site. Accordingly, Ben French is considered an “active facility” that potentially falls under Legacy Rule regulation for the identification of Coal Combustion Residual Management Units (CCRMUs).

## 2 CCR Legacy Rule

Ben French is an active facility and may have CCRMUs onsite. The Legacy Rule requires the preparation of a Facility Evaluation Report (FER), with the purpose of determining whether any CCRMUs exist on-site, and, if so, to delineate the lateral and vertical extent of the unit(s). This report is not intended to address FER requirements, which are due later, with FER Part 1 due February 9, 2027, and FER Part 2 due February 9, 2028.

## 3 Applicability determination

Per the EPA's definition, Legacy Surface Impoundments are only associated with “inactive facilities.” Ben French, however, is considered an “active facility.” Consequently, Ben French does not have any Legacy Surface Impoundments.

## 4 Owner/Operator Statement

§ 257.100(f)(1)(ii)(A). The owner or operator of any legacy CCR surface impoundment must certify the applicability report required by paragraph (f)(1)(i) of this section with the following statement signed by the owner or operator or an authorized representative:

*I, Mark Lux, certify under penalty of law that I have personally examined and am familiar with the information submitted in this applicability report 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. To the best of BHP's knowledge or belief, Ben French is an active facility and therefore cannot have Legacy Surface Impoundments at the site. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.*



Mark Lux  
Vice President Power Delivery

May 8, 2026