



Coal Combustion Residual Legacy Rule Applicability Report

Osage Power Plant, Osage, Wyoming

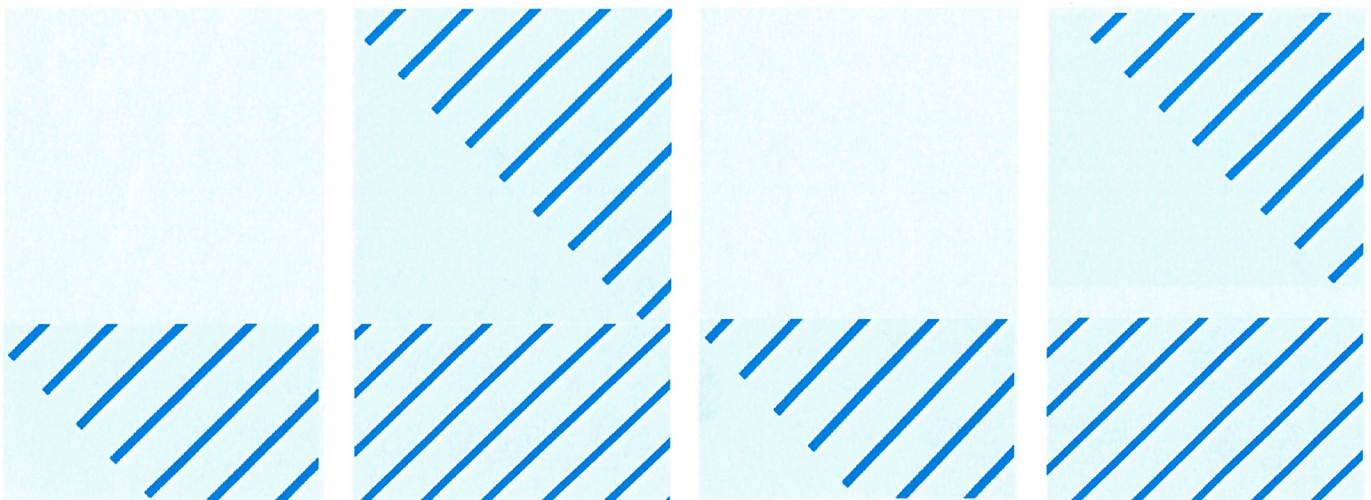
Prepared for:
Black Hills Power
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Prepared by:
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May 2026

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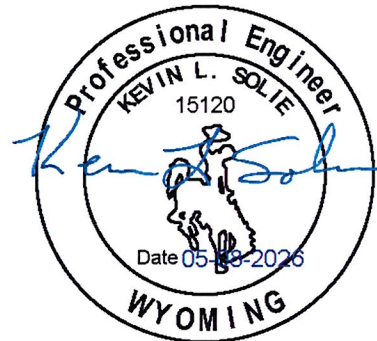
Certification

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 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 Wyoming and that I have professional experience with surface impoundment design, operation, monitoring and closure.

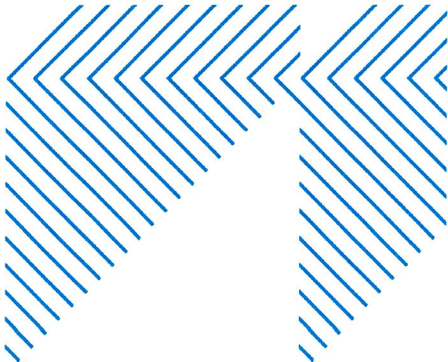
The services performed by Barr for this Project have been conducted in a manner consistent with the level of skill and care ordinarily exercised by other members of the profession currently practicing in this area. No other warranty, expressed or implied, is made.



Kevin L. Solie
Wyoming PE-15120



May 8, 2026
Date



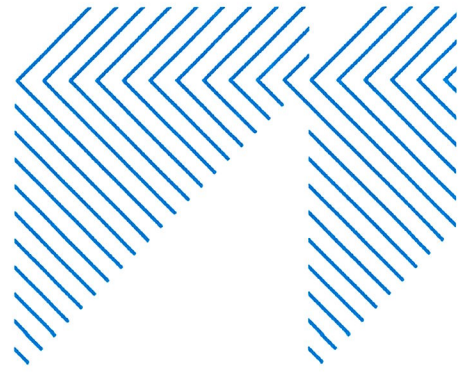
**CCR Legacy Rule
Applicability Report**

May 2026



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Figure 1 Site Location Map

1. Background and purpose

Black Hills Power (BHP) owns and previously operated Osage Power Plant (Osage), a coal-fired electrical generating station located near Osage, Wyoming. The now-decommissioned facility included three 11.5-megawatt steam turbine generation units that were put into service between 1948 and 1952. Black Hills Energy suspended operations at Osage in October 2010 and retired the facility March 21, 2014; the powerhouse was subsequently demolished. Based on a review of publicly available data from the US Energy Information Administration (EIA), Osage has not provided power to the “grid” since well before 2015. No other power generating operations occur at the site and it appears no power has been provided to transmission or distribution systems after October 19, 2015. Accordingly, Osage is classified as an “inactive facility” under the Coal Combustion Residual (CCR) Legacy Rule.

During facility operation, CCRs from the plant were placed into surface impoundments located to the south and east of the generating station. Osage Fly Ash #1 (also referred to as the Old Ash Landfill) is located east of the former generating station and appears to have operated until approximately 1993. In 1993, a permit was issued by Wyoming Department of Environmental Quality (WYDEQ) for Osage Fly Ash #2 (also referred to as the New Ash Landfill), located south and east of the former generating station. While both units appeared to have been operated as surface impoundments (CCRs were conveyed to the disposal units via a water-slurry pipeline from the power plant), both units were permitted as industrial waste landfills by Wyoming Department of Environmental Quality (WYDEQ).

2. CCR Legacy Rule

On May 8, 2024, the EPA finalized the CCR Legacy Rule (Legacy Rule), establishing new requirements for inactive surface impoundments at inactive electric utilities, termed “legacy CCR surface impoundments.” Owners of these units are required to determine applicability and prepare an applicability report, specifying whether their unit falls under the scope of the Legacy Rule. Applicability reports were to be completed by November 8, 2024 unless existing and available information did not provide a sufficient basis to determine Legacy Rule applicability, i.e., it was not evident that the unit contained free liquids on or after October 19, 2015. In these cases, the Legacy Rule offered owners the ability to secure additional time (up to 18 months, in 6-month increments) to complete the applicability report for the sole reason of determining through field investigation whether the unit contains both CCRs and liquids. The first CCR Legacy Rule 6-month extension report was issued on November 8, 2024; the second and third extension reports were issued on May 5, 2025 and on November 7, 2025, respectively.

BHP conducted a field investigation as described in the applicability extension reports. Drilling and piezometer installation at the site were completed in early April 2025. After piezometer installation, water levels were obtained on a periodic basis over the course of twelve months to observe any seasonal fluctuations in pore water elevations. After evaluating the data acquired through the field investigation, it was determined that the Osage Power Plant surface impoundments contained both CCRs and liquids and therefore met the definition of a legacy surface impoundment. Accordingly, BHP ceased operating under the extension provisions and, on behalf of BHP, Barr Engineering Co. (Barr) prepared this CCR Legacy Rule Applicability Report (Applicability Report) for the legacy surface impoundments at Osage. BHP will also comply with the remaining Legacy Rule requirement deadlines under new timeframes, by adding the total length of the extensions (18 months) to each of the deadlines specified in the Legacy Rule.

3. Applicability Report requirements

The Legacy Rule Applicability Report consists of two parts. First, the Applicability Report must include general identifying information about the legacy impoundment, including the owner or operator of the site, the name associated with the unit, information about the location of the unit, state identification number (if issued by permitting authority), and a description of the current site conditions, including the current use of the inactive facility. These information requirements are described in § 257.100(f)(1)(i)(A) through (E).

Second, the owner or operator of any legacy CCR surface impoundment must certify the applicability report with a statement signed by the owner or operator or an authorized representative in accordance with § 257.100(f)(1)(ii)(A).

Following a restatement of the regulatory text, each Applicability Report requirement is addressed in *italics*.

3.1 Owner contact information

§ 257.100(f)(1)(i)(A). The name and address of the person(s) owning and operating the legacy CCR surface impoundment with their business phone number and email address.

The closed surface impoundments at Osage Power Plant are owned by Black Hills Power. The corporate address for Black Hills Power is 7001 Mount Rushmore Road, P.O. Box 1400, Rapid City, SD 57709.

BHP's business phone number is 888.890.5554.

BHP's corporate email address is Contact customer service | Black Hills Energy or <https://www.blackhillsenergy.com/contact-customer-service>

3.2 CCR surface impoundment name

§ 257.100(f)(1)(i)(B). The name associated with the legacy CCR surface impoundment.

The names commonly associated with the legacy CCR surface impoundments are Osage Fly Ash #1 and Osage Fly Ash #2.

3.3 Location

§ 257.100(f)(1)(i)(C). Information to identify the legacy CCR surface impoundment, including a figure of the facility and where the unit is located at the facility, facility address, and the latitude and longitude of the facility.

The facility is located near the community of Osage, in Section 15, Township 46 North, Range 63 West, in Weston County, Wyoming. The facility is located at Latitude 43.9686 N, Longitude 104.4076 W. Figure 1 shows the general location of the facility.

3.4 Identification number

§ 257.100(f)(1)(i)(D). The identification number of the legacy CCR surface impoundment if one has been assigned by the state.

The facility is regulated by WYDEQ under Solid and Hazardous Waste Division Permit No. 20.043.

3.5 Current site conditions

§ 257.100(f)(1)(i)(E). A description of the current site conditions, including the current use of the inactive facility.

The footprint of Osage Fly Ash #1 (OFA1) is approximately 6.5 acres, while Osage Fly Ash #2 (OFA2) occupies approximately 45 acres. The units have been closed and reclaimed in accordance with WYDEQ requirements, including the installation of a cover system comprised of a two-foot-thick layer of compacted soil and an additional six inches of topsoil. The cover system was graded to promote runoff and has been revegetated with native grasses. Based on historic permit drawings, the elevation of the base of OFA2 ranges from approximately 4305 to 4320 feet. The elevation of the top of the closure system is approximately 4330 to 4340 feet. Accordingly, CCR thicknesses are estimated to be on the order of 20 to 35 feet for OFA2. CCR thickness for OFA1 is not precisely known but is assumed to be similar to OFA2. The site is currently used as wildlife habitat.

3.6 Owner certification

§ 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 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.

I, Mark Lux, 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.



Mark Lux
Vice President Power Delivery

May 8, 2026



Figures

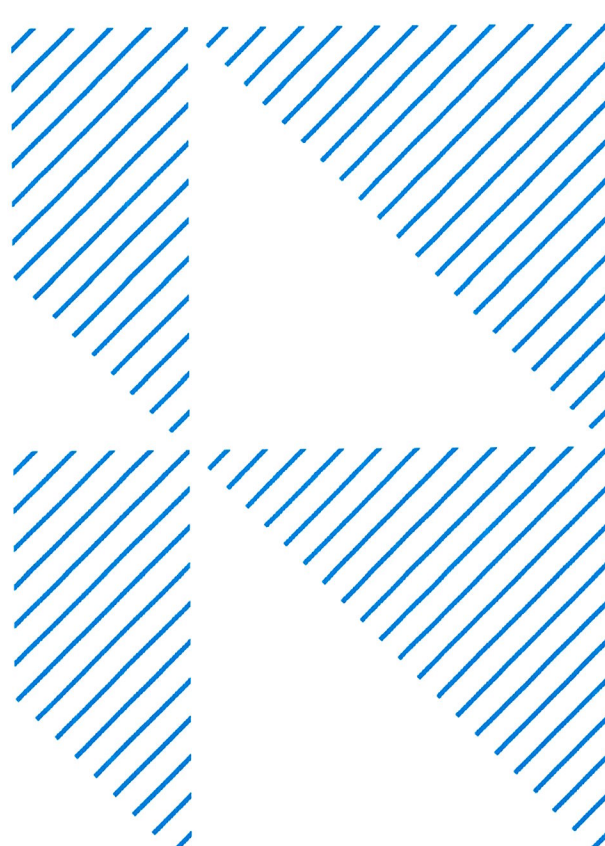




Figure 1
Site Location Map

