

US EPA ARCHIVE DOCUMENT



January 28, 2010

Mr. Richard Kinch
U.S. Environmental Protection Agency
Two Potomac Yard
2733 South Crystal Drive
Fifth Floor; N-5783
Arlington, Virginia 22202-2733

Re: Response to Request to Alabama Power Company for Information Regarding Plant Gaston Under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9604(e), dated December 29, 2009

Dear Mr. Kinch:

On behalf of Alabama Power Company ("Alabama Power"), this letter and two enclosures respond to the request by the Environmental Protection Agency ("EPA"), dated December 29, 2009, to provide certain information regarding the management of coal combustion by-products at the Ernest C. Gaston Electric Generating Plant ("Plant Gaston").

EPA has requested some information which Alabama Power does not ordinarily report or maintain for the use of any state or federal agency. Some of EPA's requests have required Alabama Power to gather, compile, and confirm information in a manner which is beyond its usual business practices. To provide complete and accurate responses, Alabama Power has relied on personnel and information located at the plants, at corporate headquarters, and at Southern Company Services, an affiliated company. Alabama Power has made a reasonable effort to ensure the accuracy and completeness of its responses within the short time demanded by EPA. Alabama Power reserves the right to supplement this response should the company determine it is appropriate to do so based on additional information or for other reasons.

Certain information included in Alabama Power's responses would raise homeland security concerns if publicly disclosed, and some of that information is also confidential commercial information. Accordingly, some of Alabama Power's responses are confidential or not otherwise subject to public disclosure for purposes of 5 U.S.C. § 552(b)(2), (4) and (7) and 18 U.S.C. § 1905. Alabama Power has provided the responses which include confidential information in a separate appendix, which is marked as confidential. Pursuant to EPA's regulations, Alabama Power asserts a claim of confidentiality for the portions of this response marked as confidential. Should EPA contemplate any disclosure of Alabama Power's confidential information, whether pursuant to the Freedom of Information Act or otherwise,

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Alabama Power expects EPA to provide notice and an opportunity to substantiate its claims of confidentiality, as is required by EPA's regulations.

Alabama Power has gathered information to respond to EPA's request in consultation with legal counsel. Providing this information does not constitute any waiver of the attorney-client privilege or any other applicable claim of confidentiality with respect to communications, documents, or any other information of Alabama Power. Alabama Power provides this response on a voluntary basis. Alabama Power does not concede the authority of EPA to compel disclosure of the information provided or to require a certification pursuant to CERCLA Section 104(e), nor does Alabama Power waive any other right or privilege it may possess.

Please direct all future correspondence regarding this and related matters to Matthew W. Bowden, Vice President, Environmental Affairs, Alabama Power Company, 600 North Eighteenth Street, Birmingham, Alabama, 35203.

Sincerely,



Matthew W. Bowden
Vice President
Environmental Affairs
Alabama Power Company

Enclosures

ALABAMA POWER COMPANY RESPONSES TO EPA QUESTIONS
REGARDING MANAGEMENT OF COAL COMBUSTION BY-PRODUCTS

E.C. GASTON ELECTRIC GENERATING PLANT
Highway 25 South
Wilsonville, Alabama 35186

January 28, 2010

Note: The text of EPA's questions is included below in *italics*. Alabama Power's responses are provided in plain text.

Please provide the information requested below for each surface impoundment or similar diked or bermed management unit(s) or management units designated as landfills which receive liquid-borne material for the storage or disposal of residuals or by-products from the combustion of coal, including, but not limited to, fly ash, bottom ash, boiler slag, or flue gas emission control residuals. This includes units that no longer receive coal combustion residues or by-products, but still contain free liquids.

1. *Relative to the National Inventory of Dams criteria for High, Significant, Low, or Less-than-Low, please provide the potential rating for each management unit and indicate who established the rating, what the basis of the rating is, and what federal or state agency regulates the unit(s). If the unit(s) does not have a rating, please note that fact.*

The Gaston Ash Pond Dam is not listed in the National Inventory of Dams ("NID") database and is therefore not rated. No federal or state agency regulates the Gaston Ash Pond Dam structure relative to the NID.

2. *What year was each management unit commissioned and expanded?*

Available information indicates the Gaston ash pond dam was put in service in 1960. Information we have indicates the volume of the ash pond was expanded in 2006.

3. *What materials are temporarily or permanently contained in the unit? Use the following categories to respond to this question: (1) fly ash; (2) bottom ash; (3) boiler slag; (4) flue gas emission control residuals; (5) other. If the management unit contains more than one type of material, please identify all that apply. Also, if you identify "other," please specify the other types of materials that are temporarily or permanently contained in the unit(s).*

Fly ash, bottom ash, boiler slag, flue gas emission control residuals, and other (regulatory permitted low volume wastes, i.e., waste that is not hazardous for purposes of RCRA Subtitle C and is otherwise permitted under applicable regulations such as 40 C.F.R. § 423.11).

4. *Was the management unit(s) designed by a Professional Engineer? Is or was the construction of the waste management unit(s) under the supervision of a Professional Engineer? Is inspection and monitoring of the safety of the waste management unit(s) under the supervision of a Professional Engineer?*

Based on available information, Alabama Power is unable at this time to represent the qualifications and credentials of the individuals responsible for the original design and construction of the Gaston Ash Pond Dam in the 1960's. However, the structure is supported by an operational history of over 40 years. In addition, the Gaston Ash Pond has been included in our comprehensive Dam Safety Inspection program since 1972. This inspection program includes regular dam safety inspections by engineers employed by Southern Company Services, and who hold current Professional Engineer licenses in Alabama. Plant employees visually inspect the embankment structure on a no less than weekly basis.

5. [Response provided in an appendix.]

6. [Response provided in an appendix.]

7. [Response provided in an appendix.]

8. [Response provided in an appendix.]

9. *Please provide a brief history of known spills or unpermitted releases from the unit within the last ten years, whether or not these were reported to State or federal regulatory agencies. For purposes of this question, please include only releases to surface water or to the land (do not include releases to groundwater).*

Alabama Power's review provides no basis to indicate a spill or unpermitted release from the Gaston ash pond structure within the last ten years.

10. *Please identify all current legal owner(s) and operator(s) at the facility.*

Southern Electric Generating Company (SEGCO), comprised of 50% Georgia Power Company and 50% Alabama Power Company, owns Units 1-4. Alabama Power owns Unit 5. Alabama Power Company is the operator of all 5 units.

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NOT SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT**

CONFIDENTIAL APPENDIX

**ALABAMA POWER COMPANY RESPONSES TO EPA QUESTIONS
REGARDING MANAGEMENT OF COAL COMBUSTION BY-PRODUCTS**

**E. C. GASTON ELECTRIC GENERATING PLANT
Highway 25 South
Wilsonville, Alabama 35186**

January 28, 2010

Note: The text of EPA's questions is included below in *italics*. Alabama Power's responses are provided in plain text. This confidential appendix provides only those questions and responses for which the response includes information subject to a claim of confidentiality.

Please provide the information requested below for each surface impoundment or similar diked or bermed management unit(s) or management units designated as landfills which receive liquid-borne material for the storage or disposal of residuals or by-products from the combustion of coal, including, but not limited to, fly ash, bottom ash, boiler slag, or flue gas emission control residuals. This includes units that no longer receive coal combustion residues or by-products, but still contain free liquids.

5. *When did the company last assess or evaluate the safety (i.e., structural integrity) of the management unit(s)? Briefly describe the credentials of those conducting the structural integrity assessments/evaluations. Identify actions taken or planned by facility personnel as a result of these assessments or evaluations. If corrective actions were taken, briefly describe the credentials of those performing the corrective actions, whether they were company employees or contractors. If the company plans an assessment or evaluation in the future, when is it expected to occur?*

The most recent dam safety inspection of the Gaston ash pond dam was conducted on July 1, 2009, by engineers from Alabama Power's affiliate, Southern Company Services. The inspectors are licensed Professional Engineers in Alabama, have multiple years of experience, and specialize in dam safety. The dam safety inspection of the Gaston ash pond dam is currently scheduled on an annual frequency. The next dam safety inspection of the ash pond dam will be conducted in calendar year 2010, at a date to be determined.

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Most of the recommendations made as a result of the most recent dam safety inspection of the Gaston ash pond dam can be characterized as maintenance activities and required no action with respect to the structural integrity or continued safe operation of the dam. One recommendation involved sloping back a low vertical cut made for an access road across a section of the dike. The actions taken in response to these recommendations require no engineering or dam safety credentials and have been or will be addressed by facility personnel in the course of their normal duties. It was also recommended that Southern Company Service's engineers be consulted with respect to any contemplated future road construction.

Southern Company Services engineers also performed an embankment stability analysis that reflected borings drilled in February 2009 and subsequent laboratory testing of boring samples. The engineers are licensed Professional Engineers in Alabama, have multiple years of experience, and specialize in civil engineering, including specifically dam stability. The analysis did not identify any issues or areas of concern with respect to the stability of the embankment.

6. *When did a State or a Federal regulatory official last inspect or evaluate the safety (structural integrity) of the management unit(s)? If you are aware of a planned state or federal inspection or evaluation in the future, when is it expected to occur? Please identify the Federal or State regulatory agency or department which conducted or is planning the inspection or evaluation. Please provide a copy of the most recent official inspection report or evaluation.*

Alabama Power has identified no basis to indicate a federal or state agency has inspected or evaluated the ash pond at Gaston for purposes of the structural integrity of those structures.

7. *Have assessments or evaluations, or inspections conducted by State or Federal regulatory officials conducted within the past year uncovered a safety issue(s) with the management unit(s), and, if so, describe the actions that have been or are being taken to deal with the issue or issues. Please provide any documentation that you have for these actions.*

See Question 6. In addition, Alabama Power's dam safety program has not identified any issues or conditions that would affect the continued safe operation of the facility.

8. *What is the surface area (acres) and total storage capacity of each of the management units? What is the volume of material currently stored in each of the management unit(s)? Please provide the date that the volume measurement(s) was taken. Please provide the maximum height of the management unit(s). The basis for determining maximum height is explained later in this Enclosure.*

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	Gaston Ash Pond
Approximate acres	339
Approximate storage capacity (cubic yards)*	30,472,917
Approximate volume stored (cubic yards)*	18,472,917
Approximate date measurement taken	2007
Approximate maximum height	45 feet

* Cubic yard figures are estimates derived by qualified personnel from available information.

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