Ms. Teresa Marks  
Director  
Arkansas Department of Environmental Quality  
5301 Northshore Dr.  
North Little Rock, Arkansas 72118-5317

Dear Ms. Marks:

I am writing to provide you with an update on the U.S. Environmental Protection Agency’s (EPA) structural integrity assessments of the surface impoundments containing coal combustion residuals at electric utilities located in your state.

After the catastrophic release of coal ash from the Tennessee Valley Authority’s Kingston, Tennessee facility in December 2008, the EPA, in collaboration with the states, undertook a nationwide comprehensive effort to assess the structural integrity of surface impoundments and similar units that contain coal combustion residuals. The purpose of the assessments was to determine whether the units are structurally stable or whether any corrective measures were needed, and, if so, to work with each facility to secure its commitment to complete any necessary corrective measures. We thank you for your assistance and support throughout this process.

All above ground units with maximum embankment heights of greater than six (6) feet at facilities in your state have been assessed by experts in dam safety, working under the direction of the EPA. Each facility has received or will shortly receive, a final report containing recommendations for corrective measures or studies needed to ensure the ongoing structural integrity of their impoundments and each facility has submitted an action plan to the EPA setting out how they plan to implement the recommendations.1 The EPA’s assessment effort was an extraordinary effort undertaken due to the critical need to ensure the structural integrity of these units. The EPA was able to bring dam safety experts in quickly and to subject these units nationwide to the same scrutiny. The assessments, analyses, reports and recommendations constitute a critical body of information which serves all of us in our ongoing efforts to protect human health and the environment. For complete information on structural integrity assessments, analyses, reports, and recommendations, please visit the EPA’s website at http://www.epa.gov/osw/nonhaz/industrial/special/fossil/surveys2/.

These assessments, however, reflect the condition of each unit at the point in time during which each assessment took place. Going forward, an ongoing routine program to assess these units and take any needed corrective measures is required to ensure the units’ continued structural integrity. The continuing responsibility to ensure that these units are structurally sound lies first with each facility’s owner and

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1 We invited representatives from your State to accompany EPA on the site assessments; we also provided the States an opportunity to submit comments on the draft reports and have provided the States a copy of the final report.
operator; however, you have an important role in monitoring and overseeing these units. We are therefore providing you this information to aid in your ongoing efforts.

We have enclosed a summary table for the facilities and units in your state. In addition, we will provide you with all the information from the EPA’s assessment effort for each facility within your state for your use in the monitoring and oversight of these units. In those situations where we have not completed the assessment process for a particular unit, we will note that fact in the summary table. When we have completed the process, we will provide you all of the information on that unit. We would be happy to discuss any of this information with you and will provide the EPA contact when we forward you the detailed information. We also note that should the agency become aware of a situation where there is threat of release or other potential endangerment to human health or the environment, the EPA may take appropriate action. In such circumstances, the EPA will coordinate with you to ensure that measures protective of human health and the environment are taken in a timely fashion.

We again thank you for your cooperation throughout the assessment process and encourage you to continue your efforts to ensure the structural integrity of these units.

Sincerely,

[Signature]

Mathy Stanislaus
Assistant Administrator

Enclosure
<table>
<thead>
<tr>
<th>Condition Rating</th>
<th>Final Report</th>
<th>Hazard Potential</th>
<th>Impoundment Name</th>
<th>State</th>
<th>Plan</th>
<th>Action</th>
<th>Company</th>
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<td>Satisfactory</td>
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<td>Low</td>
<td>Primary Bottom Ash Pond</td>
<td>Yes</td>
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<td></td>
<td>American Electric Power Station (2)</td>
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<tr>
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<td>Arkansas Electric Power Station</td>
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</tbody>
</table>

**NOTE:** This signifies that a company has claimed Confidential Business Information (CBI) for that particular facility and final reports and/or action plans contain CBI and have not been publicly released. All documents that DO NOT fall under a claim of CBI (draft reports, comments, final reports, letters, etc.) may be found at [www.epa.gov/osw/nonhaz/industrial/secret/][1].
HAZARD POTENTIAL RATINGS

Restrictions may be necessary:

Considered unsafe. A dam safety deficiency is recognized that requires immediate or emergency remedial action for problem resolution. Resolution is an effort to lessen the consequences of the deficiency, but it cannot be expected to completely eliminate the deficiency. Resolution is considered postulated to be unlikely to prevent a dam failure. Further action is needed to control the effects of the deficiency and prevent a dam failure. Science, hydrologic, seismic, and engineering studies are needed to determine the extent of the problem and the nature of the required action.

Poor

A management with safety deficiency is recognized for a required loading condition (static, hydrologic, seismic) in accordance with the applicable regulatory criteria. Minor deficiencies may exist that require remedial action and/or secondary studies or investigations. Acceptable performance is expected under all required loading conditions (static, hydrologic, seismic) in accordance with the applicable regulatory criteria. Minor deficiencies are recognized as recurring. Secondary studies or investigations are needed to analyze and/or improve structural adequacy.

Fair

No existing or potential management with safety deficiency are recognized. Acceptable performance is expected under all applicable loading conditions (static, hydrologic, seismic) in accordance with the applicable regulatory criteria. Minor deficiencies may exist that require remedial action and/or secondary studies or investigations. Acceptable performance is expected under all required loading conditions (static, hydrologic, seismic) in accordance with the applicable regulatory criteria. Minor deficiencies are recognized as recurring. Secondary studies or investigations are needed to analyze and/or improve structural adequacy.

Satisfactory

The condition rating of an impoundment represents an assessment of the overall acceptable performance of the impoundment at the time of inspection or as of the last reported date.

CONDITION RATINGS
Dams which do not pose high, significant, or low hazard potential

Classified as Medium-Hazard Potential, these are predominantly limited to the owner's property.

Classified as Low-Hazard Potential, the medium-sized hazard potential classification are those where failure or mis-operation results in no probable loss of human life and low economic and/or environmental losses. Losses are predominantly limited to the owner's property.

Classified as Low-Hazard Potential, the low hazard potential classification are those where failure or mis-operation results in no probable loss of human life and low economic and/or environmental losses. Losses are predominantly limited to the owner's property.

Classified as Low-Hazard Potential, the low hazard potential classification are those where failure or mis-operation results in no probable loss of human life and low economic and/or environmental losses. Losses are predominantly limited to the owner's property.