

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 26, 2011

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

VIA E-MAIL

Mr. Gary A. Dawson
Director of Environmental Services
Land and Water Management
Consumers Energy
1945 W. Parnall Road
Jackson, MI 49201

Dear Mr. Dawson,

On September 27 and 28, 2010 the United States Environmental Protection Agency ("EPA") and its engineering contractors conducted a coal combustion residual (CCR) site assessment at the D.E. Karn Plant facility. The purpose of this visit was to assess the structural stability of the impoundment or other similar management units that contain "wet" handled CCRs. We thank you and your staff for your cooperation during the site visit. Subsequent to the site visit, EPA sent you a copy of the draft report evaluating the structural stability of the unit at the D.E. Karn Plant facility and requested that you submit comments on the factual accuracy of the draft report to EPA. Your comments were considered in the preparation of the final report.

The final report for the D.E. Karn Plant facility is enclosed. This report includes a specific condition rating for each CCR management unit and recommendations and actions that our engineering contractors believe should be undertaken to ensure the stability of the CCR impoundment(s) located at the D.E. Karn Plant facility. These recommendations are listed in Enclosure 2.

Since these recommendations relate to actions which could affect the structural stability of the CCR management units and, therefore, protection of human health and the environment, EPA believes their implementation should receive the highest priority. Therefore, we request that you inform us on how you intend to address each of the recommendations found in the final report. Your response should include specific plans and schedules for implementing each of the recommendations. If you will not implement a recommendation, please provide a rationale. Please provide a response to this request by August 23, 2011. Please send your response to:

Mr. Stephen Hoffman
U.S. Environmental Protection Agency (5304P)
1200 Pennsylvania Avenue, NW
Washington, DC 20460

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If you are using overnight or hand delivery mail, please use the following address:

Mr. Stephen Hoffman
U.S. Environmental Protection Agency
Two Potomac Yard
2733 S. Crystal Drive
5th Floor, N-5838
Arlington, VA 22202-2733

You may also provide a response by e-mail to hoffman.stephen@epa.gov

You may assert a business confidentiality claim covering all or part of the information requested, in the manner described by 40 C. F. R. Part 2, Subpart B. Information covered by such a claim will be disclosed by EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when EPA receives it, the information may be made available to the public by EPA without further notice to you. If you wish EPA to treat any of your response as “confidential” you must so advise EPA when you submit your response.

EPA will be closely monitoring your progress in implementing the recommendations from these reports and could decide to take additional action if the circumstances warrant.

You should be aware that EPA will be posting the report for this facility on the Agency website shortly.

Given that the site visit related solely to structural stability of the management units, this report and its conclusions in no way relate to compliance with RCRA, CWA, or any other environmental law and are not intended to convey any position related to statutory or regulatory compliance.

Please be advised that providing false, fictitious, or fraudulent statements of representation may subject you to criminal penalties under 18 U.S.C. § 1001.

If you have any questions concerning this matter, please contact Mr. Hoffman in the Office of Resource Conservation and Recovery at (703) 308-8413. Thank you for your continued efforts to ensure protection of human health and the environment.

Sincerely,
/Suzanne Rudzinski/, Director
Office of Resource Conservation and Recovery

Enclosures

D.E. Karn Plant Recommendations (from the final assessment report)

The following recommendations and remedial measures generally describe the recommended approach to address current deficiencies at the Karn Disposal Area. Prior to undertaking recommended maintenance, repairs, or remedial measures, the applicability of environmental permits needs to be determined for activities that may occur within resource areas under the jurisdiction of the appropriate regulatory agencies.

3.2 Studies and Analyses

GZA recommends the following studies and analyses:

1. Develop an operation and maintenance checklist that includes dike structural items at the Karn Disposal Area for CEC field personnel to observe and record on a daily basis; and,
2. Although not required by MDEQ Part 115 regulations, it is our opinion that CEC develop a formal EAP for the Karn Disposal Area and communicate that plan to Site personnel and the local emergency response agencies. This EAP could become a part of existing safety plans for the Site specifically addressing conditions of the Karn Disposal Area.

3.3 Recurrent Operation & Maintenance Recommendations

GZA recommends the following operation and maintenance level activities:

1. Clear vegetation, including small brush and grass, from the heavily vegetated areas to increase visibility of the slopes for monitoring purposes;
2. Develop a maintenance plan for monitoring of the large trees along the downstream slope. Trees that are damaged or uprooted by storm events should be removed and the dike area repaired;
3. Install riprap or other stabilizing material on the outer slope near the Intake Channel to reduce surface erosion. Similarly, CEC should consider flattening of the dike slope along the Discharge Canal as recommended by AECOM; and,
4. Complete and/or analyze other embankment stability improvements recommended by AECOM.

3.4 Repair Recommendations

GZA recommends the following repairs which may improve the overall condition of the Karn Disposal Area, but do not alter the current design of the dike. The recommendations may require design by a professional engineer and construction contractor experienced in dike construction.

1. Remove the former NPDES discharge structure, including excavating and removing the former pipes, and replace with compacted fill.

3.5 Alternatives

There are no practical alternatives to the repairs itemized above.