

US EPA ARCHIVE DOCUMENT



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

DEC 16 2015

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

Mr. Frederick James  
Senior Vice President, Energy Delivery Services  
CPS Energy  
City of San Antonio  
P.O. Box 1771  
San Antonio, Texas 78296

Dear Mr. James:

After the catastrophic release of coal ash from the Tennessee Valley Authority's Kingston, Tennessee facility in December 2008, the U.S. Environmental Protection Agency (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 were 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.

The units at your facility have been assessed by EPA contractors who are experts in dam safety, working under the direction of the EPA. You have received a final report containing recommendations for corrective measures or studies needed to ensure the ongoing structural integrity of your impoundments and you have submitted an action plan to the EPA setting out how you plan to implement the recommendations. We thank you for your cooperation throughout this process. We have enclosed at the conclusion of this letter a list of the facilities that your company owns or operates and that were assessed during assessment Rounds 10 thru 12. Companies that own or operate facilities that were assessed during Rounds 1 thru 9 were sent a letter on August 13, 2013. Those letters can be found on EPA's website at <http://www3.epa.gov/epawaste/nonhaz/industrial/special/fossil/surveys2/index.htm>.

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 to careful 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 EPA's website <http://www3.epa.gov/epawaste/nonhaz/industrial/special/fossil/surveys2/>.

The assessments, however, reflect the condition of each unit at the point in time during which the 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 with you. However, as you are aware,

agencies within your State have an important role in the ongoing monitoring and oversight of these units. We are therefore providing all of the information that you have sent to the EPA to the appropriate State agency for their use in their routine monitoring and oversight of these units and expect that they will be the primary point of contact with respect to the continued oversight of these units. However, should the EPA become aware of a situation where there is a 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 your State agency to ensure that measures protective of human health and the environment are taken in a timely fashion.

Finally, as you are aware, the EPA issued a final rule on April 17, 2015 that establishes a comprehensive set of requirements for the disposal of coal combustion residuals in surface impoundments (and landfills). Among the requirements, the rule establishes structural integrity criteria and requires certain owners and operators to conduct periodic structural integrity related assessments to help prevent the damage associated with structural failures of surface impoundments. Some of your units may be subject to the requirements in this rule which became effective on October 19, 2015. If you have questions on any aspect of these new requirements, please call Mr. Patrick M. Kelly, P.E., Environmental Engineer, of my staff at (703) 308-7271. For more information on the final rule, please visit EPA's website: <http://www2.epa.gov/coalash/coal-ash-rule>.

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,

A handwritten signature in black ink that reads "Barnes Johnson". The signature is written in a cursive, flowing style.

Barnes Johnson, Director  
Office of Resource Conservation and Recovery

cc: Mr. Bryan W. Shaw, Chairman, Texas Commission on Environmental Quality  
Mr. Warren D. Samuelson, Professional Engineer, Dam Safety Program Coordinator, Texas  
Commission on Environmental Quality

Enclosure

### List of Facilities Assessed by EPA

<b>Company</b>	<b>Facility</b>	<b>Location</b>	<b>Round</b>
City of San Antonio	J.K. Spruce Power Plant	San Antonio, TX	12
City of San Antonio	J.T. Deely Power Plant	San Antonio, TX	12