

US EPA ARCHIVE DOCUMENT



Working For You Today and Tomorrow

March 26, 2009

CERTIFIED MAIL

Mr. Richard Kinch
U.S. Environmental Protection Agency (5306P)
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Request for Information Under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9604(e)

Dear Mr. Kinch:

I am writing in response to your letter dated March 9, 2009 requesting information pursuant to Section 104(e) of CERCLA relative to management of coal combustion by-products at the Dayton Power and Light Company (DP&L) J.M. Stuart Station. Enclosed with this letter is the response to information requested for Stuart Station.

Your letter stated that U.S. EPA has requested the information pursuant to authority granted under certain provisions of CERCLA

which provides in relevant part that whenever the Agency has reason to believe that there may be a release or threat of a release of a pollutant or contaminant, they may require any person who has or may have information to furnish information or documents relating to the matter, including the identification, nature, and quantity of materials which have been or are generated, treated, stored or disposed at the facility and the nature or extent of a release or a threatened release.

DP&L feels strongly that none of the facilities it operates which are subject to the information request, present the threat of release.

In addition, your letter indicated that the DP&L response include the following certification.

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate, and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system

designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

By signing of this letter, I am providing such certification.

If you have any questions, please contact Mr. Craig Spangler at (937) 549-2641.

Sincerely,

A handwritten signature in black ink that reads "Mark A. Guerriero". The signature is written in a cursive style with a large, stylized 'M' and 'G'.

Mark Guerriero
Station Manager

Enclosure

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 hazard 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.

Pond #3A	No official class issued
Pond #5	No official class issued
Pond #6	No official class issued
Pond #7	No official class issued
Pond #7A	No official class issued
Pond #10	ODNR Class II, medium hazard category based on ODNR classification criteria in OAC 1501:21-13-01

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

Pond #3A	~1977
Pond #5	~1975
Pond #6	~1977
Pond #7	~1977
Pond #7A	~1981
Pond #10	2001

None have been expanded.

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).

	Material
Pond #3A	fly ash
Pond #5	bottom ash & other (cooling tower & FGD blow down & misc plant waste water)
Pond #6	other (Central collection pond for ash pond discharge & ash landfill storm water runoff)
Pond #7	fly ash
Pond #7A	final polishing pond prior to discharge.
Pond #10	fly ash

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?

	Designed by PE	Construction under PE	Inspections by PE
Pond #3A	Yes	Yes	Yes
Pond #5	Yes	Yes	Yes
Pond #6	Yes	Yes	Yes
Pond #7	Yes	Yes	Yes
Pond #7A	Yes	Yes	Yes
Pond #10	Yes	Yes	Yes

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. 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?

	<u>Date</u>	<u>Company</u>
Pond #3A	2009	Civil & Environmental Consultants (CEC)
Pond #5	2009	Civil & Environmental Consultants (CEC)
Pond #6	2009	Civil & Environmental Consultants (CEC)
Pond #7	2009	Civil & Environmental Consultants (CEC)
Pond #7A	2009	Civil & Environmental Consultants (CEC)
Pond #10	2009	Civil & Environmental Consultants (CEC)

No significant issues identified at the time of the inspection.

6. When did a State or 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.

Pond #3A	Unknown
Pond #5	Unknown
Pond #6	Unknown
Pond #7	Unknown
Pond #7A	Unknown
Pond #10	ODNR (Division of Water) June 12, 2008 - No report received.

7. Have assessments, or inspections conducted by State or Federal regulatory officials conducted within the past year uncovered 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.

Pond #3A N/A

Pond #5 N/A

Pond #6 N/A

Pond #7 N/A

Pond #7A N/A

Pond #10 ODNR – June 12, 2008 - No report received – No significant issues found. Verbally relayed by ODNR the date of inspection.

8. What is the surface area (acres) and total storage capacity of each of the management units? What is the volume of materials 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.

Unit	Area	Max. Capacity	as of 3/1/09	
			Current volume	Height
Pond #3A	50 acres	~2,100,000 cy	~1,000,000 cy	28'
Pond #5	34 acres	~2,300,000 cy	~900,000 cy	~42'
Pond #6	37 acres	~2,500,000 cy	~600,000 cy	~42'
Pond #7	37 acres	~2,500,000 cy	0 cy	~42'
Pond #7A	3 acres	~12,500,000 gal	~12,500,000 gal	~42'
Pond #10	29 acres	1,500,000 cy	~350,000 cy	23'

Maximum capacity and current volume were estimated based on design and current operations.

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).

None of the ash management units have had any spills or unpermitted releases.

Pond #3A – None

Pond #5 – None

Pond #6 – None

Pond #7 – None

Pond #7A – None

Pond #10 – None

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

Dayton Power & Light Company (Operator)

Cincinnati Gas & Electric Company

Columbus Southern Power