

US EPA ARCHIVE DOCUMENT



Duke Energy Corporation
1000 East Main Street
Plainfield, IN 46168

Via Certified Mail 7008 2810 0000 0830 9024

March 30, 2009

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

RE: CERCLA 104(e) Request for Information
East Bend Generating Station
6293 Beaver Road
Rabbit Hash, Kentucky 41005

Dear Mr. Kinch,

Duke Energy Kentucky, Inc (DEK) hereby responds to the request for information the EPA submitted to the East Bend Generating Station, letter dated March 9, 2009, under Section 104(e) of CERCLA, 42 USC § 9604(e), relating to surface impoundments or similar diked / bermed management units which receive liquid-borne material for storage or disposal of residuals or by-products from the combustion of coal. DEK received this request on March 17, 2009, and today's response complies with the 10-business day deadline.

The attached responses are full and complete and were developed under my supervision with assistance from Duke Energy's Engineering and Technical Services group. The following clarifications should be noted for the attached responses.

- The responses in this submittal are for surface impoundments and the associated secondary / clarifying ponds used for temporary or permanent storage of flyash, bottom ash, boiler slag, and flue gas emission control residues at this station (hereinafter "coal combustion by-products").
 - These ponds are also an integral part of the station's wastewater treatment system used to manage wastewater before discharge.
- The response to the questions does not include ponds that are retired / closed and which no longer contain free liquids.
- The response to questions does not include landfill runoff collection ponds or any other miscellaneous ponds / impoundments that are not designed to or do not regularly receive and store coal combustion by-products.
- Where actual measurements could not be collected within the timeframe allotted by EPA, DEK has provided estimates, which are noted as such.
- The criteria that DEK used to identify any spills or unpermitted releases over the last 10 years in the response to Question #9 include the failure of physical pond or impoundment structures (i.e. berms, dikes, and discharge structures); the criteria do not include exceedances of the NPDES discharge limits that have already been reported in the discharge monitoring report.

I certify that the information contained in this response to EPA's request for information and the accompanying documents are 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.

If you have any questions regarding today's submittal please contact Richard Meiers at our corporate offices at 317-838-1955.

Sincerely,
Duke Energy Kentucky, Inc.



Barry E. Pulskamp
Senior Vice President Regulated Fleet Operations

Attachments (3)

Responses to Enclosure A
Inspection Report
Confidential Business Information

cc Brian R. Weisker
East Bend Generating Station
General Manager II Regulated Fossil Stations
Rhonda L. Herzog
Sr. EHS Professional
Richard J. Meiers
Principal Environmental Scientist

Attachment # 1

Response to Questions in Enclosure A

East Bend Generating Station

March 27, 2009

1. Relative to the National Inventory of Dams criteria for High, Significant, Low, or Less than Low Hazard Potential, please provide the rating for each management unit and indicate which State or federal regulatory agency assigned that rating. If the unit does not have a rating, please note that fact.

Duke Energy Kentucky (DEK) is not aware of any National Inventory of Dams criteria rating that have been assigned by a State or Federal Agency for the management units at the East Bend Steam Station. The Kentucky Department of Environmental Protection (Dam Safety and Floodplain Compliance Division) inspected the ash pond on March 24, 2009; a rating is expected to be assigned to this pond upon receipt of the inspection report.

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

The Ash Pond was commissioned in 1980.

FGD Pond West was commissioned in 1980

FGD Pond East was commissioned in 1980

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).

| Management Unit | Active Ash Pond | FGD Pond West | FGD Pond East |
|-----------------|-----------------|---------------|---------------|
| Contents | 2, 3, 5* | 4, 5** | 4, 5** |

* "Other" includes water treatment, boiler blow down, cooling tower blow down, boiler chemical cleaning wastes, coal pile runoff, storm water runoff, landfill leachate, fire protection, mill rejects, sewage treatment system, floor and laboratory drains and drains from equipment cleaning.

** "Other" for FGD ponds includes boiler chemical cleaning wastes

4. Do you have a Professional Engineer's certification for the safety (structural integrity) of the management unit(s)? Please provide a copy if you have one. If you do not have such a certification, do you have other documentation attesting to the safety (structural integrity) of the management unit(s)? If so, please provide a copy of such documentation.

The safety (structural integrity) was certified through the design documents when the East Bend Power Station management units were designed and constructed. The Engineering firm responsible for the design was Sargent and Lundy Engineers. Copies of the design documents may be available from our drawing archives. Due to the expediency of the requested reply, DEK is not submitting these documents as part of our response; however, we can research our archival information should there be a future need to submit original design documentation.

5. When did the company last assess or evaluate the safety (i.e., structural integrity) of the management unit(s)?

All management units listed in the response to question #2 were last inspected in January 2009.

Briefly describe the credentials of those conducting the structural integrity assessments/evaluations.

A civil engineer from the Duke Energy's Generation Engineering Department conducted the inspection.

Identify actions taken or planned by facility personnel as a result of these assessments or evaluations.

See attached inspection report (Attachment 2). Typical findings that require corrective actions are: Treat excess vegetation, clear ditch line of sediment and debris, re-seed sparsely vegetated and disturbed areas, or mow slopes in a diagonal pattern running transverse to existing rut lines. Findings can warrant further monitoring or in depth investigation and analysis to assess structural integrity. Other more site specific maintenance items are detailed in the reports.

If corrective actions were taken, briefly describe the credentials of those performing the corrective actions, whether they were company employees or contractors.

See attached Inspection report (Attachment 2). Duke Energy's Generation Engineering Department provides engineering oversight, review, and documentation of maintenance done and repairs made.

If the company plans an assessment or evaluation in the future, when is it expected to occur?

The next inspection is planned to be completed in April 2009.

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.

The Kentucky Department of Environmental Protection (Dam Safety and Floodplain Compliance Division) visited the plant to inspect the ash pond on March 24, 2009. A copy of the inspection report is not yet available.

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.

The inspection on March 24, 2009 was the first inspection at East Bend Station by State or Federal regulatory officials. A copy of the inspection report is not yet available.

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 was taken.

The response to this question contains Confidential Business Information, which is of a competitive and commercial nature, pursuant to 40 C.F.R. Part 2. Our response is therefore provided in a separate attachment (Attachment 3), which has been labeled "CBI." DEK requests that EPA treat the information in Attachment 3 as CBI and safeguard it from inadvertent disclosure and contact DEK if EPA receives a request for this CBI.

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).

There have been no spills or unpermitted releases from any of the management unit listed in response #2 over the past ten years.

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

Duke Energy Kentucky Inc. and Dayton Power & Light are the legal owners of the facility and Duke Energy Kentucky Inc. is the operator.

Attachment #3

CBI

This attachment contains Confidential Business Information, which is of a competitive and commercial nature, pursuant to 40 C.F.R. Part 2. DEK requests that EPA treat the information in Attachment 3 as CBI and safeguard it from inadvertent disclosure and contact DEK if EPA receives a request for this CBI.

East Bend Station Response to Question # 8

Active Ash Pond

- 53.2 acres in total surface area with 1,277 acre/feet of total storage volume
- The station estimated in January 2009 that the pond was approximately 75% full

FGD Pond West

- 4.2 acres in total surface area with 45 acre/feet of total storage volume
- The station estimated in March 2009 that the pond was approximately 50% full

FGD Pond East

- 3.6 acres in total surface area with 51 acre/feet of total storage volume
- The station estimated in March 2009 that the pond was approximately 50% full