

US EPA ARCHIVE DOCUMENT

NOTE

Subject: EPA Comments on East Kentucky Power Coop Inc - H. L. Spurlock Power Station,
Maysville, KY
Round 9 Draft Assessment Report

To: File

Date: September 1, 2011, 2011

1. No Comments.



STEVEN L. BESHEAR
GOVERNOR

LEONARD K. PETERS
SECRETARY

ENERGY AND ENVIRONMENT CABINET

DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
200 FAIR OAKS LANE
FRANKFORT, KENTUCKY 40601
www.kentucky.gov

June 7, 2011

Mr. Stephen Hoffman
U.S. Environmental Protection Agency
Two Potomac Yard
2733 South Crystal Drive
Fifth Floor, N-5237
Arlington, VA 22202-2733

RE: KDEP Comments on DRAFT Coal Combustion Residue Impoundment Round 9 – Dam Assessment Report H.L. Spurlock Power Station, Spurlock Ash Pond, East Kentucky Power Cooperative in Maysville, Kentucky
Dewberry & Davis, LLC Project No. EP-09W001727

Dear Mr. Hoffman:

The Kentucky Division of Water offers these recommendations to U.S. Environmental Protection Agency (EPA) in comments to the drafted EPA inspection (Round 9) reports at East Kentucky Power Cooperative in the state of Kentucky. Dewberry & Davis, an engineering contractor for EPA, prepared the draft report of the assessment of the structural stability of CCR impoundment at Spurlock Power Station, referred to as Spurlock Ash Pond.

Dewberry & Davis conducted a qualitative hazard classification based on 2004 FEMA Federal Guidelines for Dam Safety Hazard Classification. Dewberry & Davis rating of hazard potential in assigning a 'Low Hazard Potential' classification agrees with the state's assigned Low Hazard classification.

The state of Kentucky is committed to protect lives and property from the consequences of a dam failure or the improper release of impounded slurry. All coal combustion residue impoundments in the state of Kentucky are regulated through an established dam safety regulatory program pursuant to KRS Chapter 151 and KAR 4:010 that gives the Division of Water authority over all dams including CCRs surface impoundments in the state of Kentucky.

KRS 150.295 directs the Energy and Environment Cabinet (EEC) to inspect dams and reservoirs on a regular schedule. EEC is empowered by KRS 151 to administer and enforce the law using methods and procedures such as adopting regulations, routinely inspecting dams, issuing permits and certificates of inspection, requiring owners to take action to protect life and property, and conducting studies and investigations as necessary to ensure

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compliance. The Kentucky Division of Water maintains an experienced technical staff to enforce said regulations and administer the methods and procedures of the dam safety program.

The Division of Water finds the draft report by Dewberry & Davis precise and accurate of its findings, conclusions, and inspection of the impoundment. The Division of Water regards highly the professionalism and skill in the research, methods, procedures, and investigation in the report in conformance with the required scope of work and in accordance with reasonable and acceptable engineering practices.

The Division of Water is appreciative of the contractor, Dewberry & Davis, in assessing the impoundment based on hazard potential guidelines. Previously, EPA contractors have conducted assessments and finalized reports based on MSHA guidelines. However, dam safety regulators determine a dam's/impoundment's hazard potential classification based on the downstream consequences should the dam/impoundment fail or have a serious incident; the classification is not dependant on the dam's physical condition or potential for failure. Kentucky has in place stringent and specific design criteria established in statute and regulation for all impoundments, including CCR surface impoundments. These design criteria are not based on MSHA guidelines.

The Division of Water appreciates the opportunity to provide comments on the report and we do anticipate this to be helpful in your evaluation of the impounding coal ash structures necessary for the economic benefits for all people. If you or your staff has any questions, please do not hesitate to email me at Gary.Wells@ky.gov or call me at (502) 564-3410, ext. 4595.

Sincerely,

E-Signed by Wells, Gary
VERIFY authenticjty with ApproveIt
Gary Wells

Gary Wells, PE
Environmental Consultant Engineer
Kentucky Department of Environmental Protection
Kentucky Energy and Environmental Cabinet

EKPC - H.L. Spurlock Station Surface Water Impoundment Conditional Assessment Report

Jerry Purvis

to:

Jana Englander

07/08/2011 05:05 PM

Cc:

David Elkins, Joseph VonDerHaar, Craig Johnson, Brad Condley

Show Details

History: This message has been replied to and forwarded.

Jana,

EKPC is satisfied with the EPA Conditional Assessment report Round 9 and has no additional comments. Please note that some of the attachments in Appendix A (Documents 03, 05, 06, 07 and portions of 08) are subject to a claim of confidentiality by EKPC. Those documents should not be released for review by the public until EPA rules on the claim of confidentiality.

If you have any questions, please feel free to call me on my direct line 859.745.9244.

Sincerely,

Jerry Purvis

Jerry Purvis | East Kentucky Power Cooperative |
Environmental Affairs Manager
4775 Lexington Road | Winchester, KY 40391
P.O. Box 707 | Winchester, KY 40392-0707
☎ 859.744.4812 📠 859.744.6008 ✉ jerry.purvis@ekpc.coop



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