

US EPA ARCHIVE DOCUMENT



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

March 8, 2010

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

VIA E-MAIL AND FEDERAL EXPRESS

Mr. John Voyles, Jr., Vice President, Transmission and Generation Services
E.ON/Kentucky Utilities
220 West Main Street,
P.O. box 32020
Louisville, Kentucky 40232

Dear Mr. Voyles,

On October 20, 2009 the United States Environmental Protection Agency ("EPA") and its engineering contractors conducted a coal combustion residual (CCR) site assessment at the EW Brown facility. The purpose of this visit was to assess the structural stability of the impoundments 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 units at the EW Brown 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 EW Brown facility is enclosed. This report includes a specific 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 EW Brown 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 explain why. Please provide a response to this request by April 12, 2010. Please send your response to:

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

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

Mr. Stephen Hoffman
US Environmental Protection Agency
Two Potomac Yard
2733 S. Crystal Drive
5th Floor, N-237
Arlington, VA 22202-2733

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

This request has been approved by the Office of Management and Budget under EPA ICR Number 2350.01.

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.

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 ongoing efforts to ensure protection of human health and the environment.

Sincerely,
/Matt Hale/, Director
Office of Resource Conservation and Recovery

Enclosures

Enclosure 2
EW Brown Recommendations

Main Fly Ash Pond:

RECOMMENDATIONS

1.2.1 Recommendations Regarding the Structural Stability

No recommendations regarding structural stability appear warranted at this time.

1.2.2 Recommendations Regarding the Hydrologic/Hydraulic Safety

No recommendations appear warranted at this time.

1.2.3 Recommendations Regarding the Supporting Technical Documentation

No recommendations appear warranted at this time.

1.2.4 Recommendations Regarding the Description of the Management Unit(s)

No recommendations appear warranted at this time.

1.2.5 Recommendations Regarding the Field Observations

No recommendations appear warranted at this time.

1.2.6 Recommendations Regarding the Maintenance and Methods of Operation

The maintenance and operation of the dam appear to have been adequate. However, updating the 1991 Operations Plan should be completed prior to reopening the reconfigured Main Pond at the completion of the current phase of construction.

1.2.7 Recommendations Regarding the Surveillance and Monitoring Program

No recommendations pertaining to the surveillance and monitoring program appear warranted at this time.

1.2.8 Recommendations Regarding Continued Safe and Reliable Operation

No recommendations pertaining to the continued safe and reliable operation of the management unit appear warranted at this time.

Auxiliary Ash Pond:

RECOMMENDATIONS

1.2.1 Recommendations Regarding the Structural Stability

None appear warranted at this time.

1.2.2 Recommendations Regarding the Hydrologic/Hydraulic Safety

None appear warranted at this time.

A dam break analysis was not conducted in conjunction with the July 2006 Dam Construction Permit Application, KU indicated that such an analysis was currently in progress.

Note: KU has subsequently completed the dam break analysis (November 2009) and incorporated the results into an Impoundment Emergency Action Plan for the Auxiliary Pond (January 2010).

1.2.3 Recommendations Regarding the Supporting Technical Documentation

No recommendations appear warranted at this time.

1.2.4 Recommendations Regarding the Description of the Management Unit(s)

No Recommendations appear warranted at this time.

1.2.5 Recommendations Regarding the Field Observations

No recommendations appear warranted at this time.

1.2.6 Recommendations Regarding the Maintenance and Methods of Operation

The maintenance and operation of the dam seem to be adequate. However, the following recommendations may help maintain safe and trouble-free operation:

- Monitor isolated seepage spot.
- Address minor erosion areas and erosion gullies.

1.2.7 Recommendations Regarding the Surveillance and Monitoring Program

Continue monitoring seepage locations.

1.2.8 Recommendations Regarding Continued Safe and Reliable Operation

No recommendations pertaining to the continued safe and reliable operation of the management unit appear warranted at this time.