International Power
Coleto Creek

IPA Operations, Inc.
45FM 2987
PO Box 8
Fannin, TX 77960
Tel 361 788 5100
Fax 361 788 5136
www.ippic.com

March 26, 2009

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

Certified Mail Receipt: No. 7006 2760 0002 5313 8477

RE: Coleto Creek Power, LP
Request for Information – CERCLA Section 104(e)

Dear Mr. Kinch:

Following guidance from your office attached is the information on coal combustion byproducts stored in impoundments at the above referenced facility. Coleto Creek Power, LP maintains these impoundments in full compliance with their associated state and federal regulations and has not recorded a breach or release since commissioning of the plant in 1980. Internal inspections of the site's impoundments were conducted following the Kingston release and determined the causative agents are not present at Coleto Creek Power. Coleto Creek Power, LP remains wholly committed to the care of the environment.

Should you have any questions, please contact Mr. Ross Crysup at (361) 788-5145 or by email at jcrysup@ipr-us.com.

Sincerely,

Robert L. Stevens
Plant Manager
Coleto Power Plant, LP

ATTACHMENT A

Coal Combustion By-Products Management Survey

Company Name: Coleto Creek Power, LP

Facility Name and Location: Coleto Creek Power, LP

ISW Registration #: 31911 (EPA Id TXD000836999)

ISW/HW Permit #(if any): N/A

Contact Name and Title: Ross Crysup, EHS Coordinator

Tel. and Fax #: 361-788-5145 (phone 361-788-5136 (fax

Email: jcrysup@ipr-us.com

Form completed by (name and title): Ross Crysup, EHS Coordinator

1. **In the table below, please provide information on the coal combustion byproducts (CCB) generated during the combustion process and their waste classification and/or identify if the byproducts are recycled.**

Waste Type	*Waste Generated (Mark Yes/No)*	*Waste Classification (use checkmark)*			*Recycled*
		Class 1 Nonhazardous	*Class 2 Nonhazardous*	*Class 3 Nonhazardous*	
Bottom Ash	YES		20183192 (site NOR)		Recycled
Boiler Slag **	N/A (included as bottom ash)	N/A (included as bottom ash)	N/A (included as bottom ash)	N/A (included as bottom ash)	N/A (included as bottom ash)
Fly Ash	YES		20173192 (Site NOR)		Recycled
FGD	NO	N/A	N/A	N/A	N/A

2. **In the table below, please estimate the amount of CCB (tons/yr., cu. yds/year, etc.) disposed of in the following ways and/or estimate the amount that is recycled.**

Waste Type	*Ultimate Disposition (tons/year, cu. yds/yr, etc) – Estimated Amounts*					
	*On-Site Landfill **	*Off-Site Landfill*	*On-Site Surface Impoundments*	*On-Site Waste Piles*	*Recycled Or Other practices (please specify)*	*Estimated Total (Sum of all previous columns)*
Bottom Ash			4,458 tons/year		26,619 tons/year (Recycled)	31,077 tons/year
Boiler Slag **	N/A (included as bottom ash)	N/A (included as bottom ash)	N/A (included as bottom ash)	N/A (included as bottom ash)	N/A (included as bottom ash)	N/A (included as bottom ash)
Fly Ash			33,686 tons/year		59,545 tons/year (Recycled)	93,231 tons/year
FGD	N/A	N/A	N/A	N/A	N/A	N/A

* For on-site landfills, please indicate if the disposal of solid waste has been recorded in the county deed records per 30 TAC Sec. 335.5.

** Boiler slag is managed as bottom ash.

*** Data sourced from site TRI calculations for calendar year 2007.

3. **If your facility uses surface impoundments to manage CCB, please provide the following information:**

Surface Impoundment NOR No.	*CCB Type*	*Approx. Capacity (Acre-Feet or specify units)*	*Approx. Surface Area (Acres)*	*Estimated Currently Stored Volume*	*Liner type, if any*
001	Bottom ash and Fly ash	2,700 acre-feet	190 acres	1,161 acre-feet*	Compacted clay liner
003	Bottom ash and fly ash	300 acre-feet	10 acres	<0.1 acre-feet**	Compacted clay liner

* Estimated from CDS surface aerial photo 2004 at 43% utilization.

** Secondary pond is isolated from primary pond by underflow weir, limited solids potential.

4. **Additional information or comments.**

(Please provide any other information that would assist us in understanding the CCB management practices at your facility. Information regarding safeguards or contingency plans that you have in place to prevent or mitigate potential releases to the environment including migration to surface waters and groundwater will be particularly helpful).

The site TPDES permit No. WQ0002159000 includes boiler plate language and Other Requirements for management of all surface impoundments on site. Sampling requirements are also included for semiannual analysis of monitoring wells and seepage monitoring points. The site actively recycles CCB from the site for cement additives, soil stabilization, road base, and other products.

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Coleto Creek Power, LP Enclosure to Letter to Robert Kinch dated March 20, 2009

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."

All impoundments are regulated by the Texas Commission on Environmental Quality (TCEQ). No rating has been established relative to the National Inventory of Dams.

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

All existing impoundments were commissioned in 1980 and have not 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).

Two impoundments at Coleto Creek are used to manage the above referenced materials. The primary ash pond and the secondary ash pond receive fly ash, bottom ash, boiler slag as bottom ash, and other byproducts of combustion as permitted on state issued Notice of Registration ("NOR"). Note the primary ash pond and secondary ash pond are separated by a dike and communicate hydraulically only through a submerged weir-pipe.

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?

Sargent and Lundy Engineers report SL-3689 dated 12-1-1978 provided the design for the impoundments and was signed by J.M. McLaughlin, Assistant Manager-Structural Department. Mr. McLaughlin's Texas Professional Engineer number was 37586. Construction of the impoundments by H.B. Zachry

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Construction Company was overseen by Sargent and Lundy Engineers. Periodic inspections are conducted by qualified consultants.

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

An inspection of the Ash and Secondary Settling Pond dike was conducted by Kenneth J. Brandner, P.E. with Geraghty & Miller, Inc. on September 1993. Recommendations were continued control of Huisache brush and installation of a French drain system for control of drainage. The French drain was not installed due to very low flow rates of groundwater seepage did not impact dike stability. An internal inspection using the TCEQ "Dam Inspection form 20361" was conducted on January 9, 2009 by site personnel. The site Environmental Coordinator has fifteen years of compliance experience and was accompanied by site grounds personnel familiar with the physical periphery of the impoundment structures. Recommended corrective actions were continued surveillance and removal of brush growth and of historic groundwater seepage points on an ongoing basis.

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 most recent evaluation of site impoundments by a federal or state regulatory agency in our records was an October 26, 1976 submittal of the Environmental Impact Study for the site to the USEPA.

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.

No safety issues have been identified for impoundments at Coleto Creek Power, LP by State or Federal regulatory officials within the past year.

8. What is the surface area (acres) and total storage capacity of each of the management units? What is the volume of the materials currently stored in each of the management unit(s)? Please provide the date that the volume measurement(s) was taken. Please provide

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the maximum height of the management unit(s). The basis for determining maximum height is explained later in this Enclosure.

Volume measurements were interpolated using a 2004 aerial photograph. Maximum embankment height of both ash ponds is elevation 140' above mean seal level (msl). The primary ash pond lower elevation is 106' msl and the secondary ash pond is 101' msl. Therefore the maximum height for the primary ash pond is 34 feet and the maximum height for the secondary ash pond is 39 feet. The remaining information is provided in Attachment "A".

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).

No unpermitted spills or releases have been recorded in the past ten years from Coleto Creek Power. There has never been any uncontrolled release from the impoundments at Coleto Creek Power, LP.

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

Coleto Creek Power, LP is wholly owned by:

Coleto GP, LLC
62 Forrest Street, Suite 102
Marlborough, MA 01752

Coleto LP, LLC
62 Forrest Street, Suite 102
Marlborough, MA 01752

Coleto Creek Power, LP is operated by:

IPA Operations, LLC
62 Forrest Street, Suite 102
Marlborough, MA 01752

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

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there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Robert L. Stevens
Plant Manager
Coleto Power Plant, LP

3-26-09
Date