

US EPA ARCHIVE DOCUMENT



March 27, 2009

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

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

Dear Mr. Kinch:

The Lower Colorado River Authority (LCRA) received on March 16, 2009, the Request for Information letters dated March 9, 2009, from the US Environmental Protection Agency (EPA) pursuant to 42 U.S.C. §9604(e). In these letters, EPA requests information relating to the LCRA's management units which receive liquid-borne materials from surface impoundments used 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.

In the EPA letter addressed specifically to me, as General Manager of the LCRA, you identify the "Fayette Power Project Station" as the sole LCRA facility to which EPA has sent an information request. You ask that I identify any additional LCRA facilities which have the type of surface impoundments described above, i.e., those that receive liquid-borne material for the storage or disposal of residuals or byproducts from the combustion of coal. There are no other LCRA facilities which have these types of surface impoundments. The Fayette Power Project is the only LCRA facility that uses coal as a fuel. LCRA's other electric generating units are gas-fired.

Please note that the response to the second letter, the Request for Information letter that was addressed to the Plant Manager of Fayette Power Project, Ms. Jennifer Thompson, is provided by Ms. Thompson in this packet under separate cover.

If I or my staff can provide any additional information, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read "T. G. Mason", is written over the printed name of the General Manager.


Thomas G. Mason
General Manager

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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.

Signature:



Name:

Thomas G. Mason

Title:

General Manager, Lower Colorado River Authority

March 24, 2009

Mr. Richard Kinch
US Environmental Protection Agency
Two Potomac Yard
2733 S. Crystal Dr.
5th Floor, N-5783
Arlington VA 22202-2733

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

Dear Mr. Kinch:

The Lower Colorado River Authority's Fayette Power Project (FPP) received on March 16, 2009, the Request for Information letter dated March 9, 2009, from the US Environmental Protection Agency (EPA) pursuant to 42 U.S.C. § 9604(e). In that letter, EPA has requested information "for each surface impoundment or similar diked or bermed management unit(s) or management units designated as landfills which received liquid-borne material from a surface impoundment used 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."

While we believe that FPP's coal ash pond (Management Unit 002) falls within the scope of the EPA information request, we believe FPP's reclaim pond (Management Unit 009) does not. With exception to the Management Unit 009 summary listed below, we are addressing the Coal Ash pond but not the Reclaim pond in the individual responses. Please advise if our interpretation is incorrect and we will amend our response to include the reclaim pond.

The reclaim pond (Management Unit 009), which manages the water utilized in the flue gas desulfurization system, has received de minimis amounts of fine particulate suspended in water transferred from the coal ash pond. This water transfer is a procedure authorized by FPP's water quality permit to manage the water level in the coal ash pond. Water transfers occur infrequently and only during critical periods following extended periods of significant rainfall. In addition to these transfers, the reclaim pond also receives minor wastewater streams that at times include small amounts of flue gas emission control residuals.

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.

Response: The coal ash pond is a management unit at the Fayette Power Project (FPP) regulated under FPP's water quality permit, Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ00020105 (TX0073121) issued by the Texas Commission on Environmental Quality (TCEQ) on April 25, 2005. In addition, the coal ash pond is registered under TCEQ Solid Waste Registration No. 31575 as a management unit (Management Unit 002) in accordance with TCEQ's nonhazardous industrial solid waste rules. 30 T.A.C. § 335.6.

The coal ash pond at FPP is not part of the National Inventory of Dams and does not have a hazard ranking. Moreover, the coal ash pond at FPP is exempt from TCEQ's dam safety rules found at 30 T.A.C. Chapter 299. TCEQ's dam safety rules provide a specific exemption for "off-channel impoundments authorized by the commission under TWC, Chapter 26." 30 T.A.C. § 299.1(c)(4). This exemption applies to FPP's coal ash pond, which is permitted by TPDES Permit No. WQ00020105 pursuant to Chapter 26 of the Texas Water Code.

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

Response: The coal ash pond was commissioned in 1979. In 1994, an additional two (2) feet of material was added to the eastern embankment to meet free board requirements.

The original unit, commissioned in 1979, was approximately an 84 acre management unit. One-half of the coal ash pond (approximately 40 acres) was closed in 1988 in accordance with a closure plan approved by a TCEQ predecessor agency. Closure of the remaining active portion of the coal ash pond was most recently evaluated by LCRA in 2006. Following this evaluation, in May 2007 the LCRA Board approved the Ash Systems Project. This project will convert the bottom ash handling systems on FPP Units 1 & 2 to a dry handling system. Following completion of the dry ash handling system, the remaining active portion of the coal ash pond will be closed. The closure process is currently underway with an expected completion date of 2012.

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).

Response: Materials temporarily or permanently stored in the coal ash pond are listed in the following table.

Fly Ash
Bottom Ash
Boiler Slag
Flue Gas Emission Control Residuals:
<ul style="list-style-type: none">• wastewater from U1 & 2 coal combustion byproduct residue sluicing and boiler condensate wastewater
<ul style="list-style-type: none">• waste liquid from high pressure cleaning of air pre-heater baskets to remove ash deposits
Other:
<ul style="list-style-type: none">• wastewater from various plant processes used in scrubber sludge and dust suppression
<ul style="list-style-type: none">• water treatment sludge
<ul style="list-style-type: none">• wastewater from water blasting for paint surface preparation
<ul style="list-style-type: none">• backwash liquid waste from cleaning of water treatment filters
<ul style="list-style-type: none">• waste liquid from online lab analyzer for U1, 2 & 3 boiler water, feed water and condensate water
<ul style="list-style-type: none">• waste liquid from U1 & 2 condensate polisher

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?

Response: The coal ash pond design and construction was certified by a Professional Engineer prior to commissioning. The coal ash pond has been under the supervision of Professional Engineer indirectly or during discrete periods, e.g. the partial closure, but not consistently during its operating life. We have recently placed the inspection and monitoring program for the coal ash pond under the direct supervision of a Professional Engineer.

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?

Response: The coal ash pond is currently inspected monthly; however, an evaluation of the safety (i.e., structural integrity) of the coal ash pond has not been performed since it was commissioned. We have started the process to hire an outside engineering firm to conduct a structural integrity assessment by the end of June 2009. As discussed in the response to Question No. 4, a Professional Engineer is now responsible for the inspection and monitoring program and will perform annual inspections.

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.

Response: The TCEQ conducted a focused compliance evaluation investigation (CEI) of the coal ash pond (Solid Waste Management Unit 002) on January 30, 2009. The TCEQ investigation report concluded that based on available information regarding the Tennessee Valley Authority's Kingston Fossil Plant (KFP), the conditions at the Fayette Power Project do not appear to mirror conditions that led to the coal ash release at KFP. A copy of the TCEQ compliance report is attached.

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.

Response: As mentioned in response to Question No. 6, the TCEQ conducted an inspection of the coal ash pond on January 30, 2009. Although no safety issues with the management unit were discovered, LCRA has initiated the process to hire an outside engineering firm to conduct a structural integrity assessment by the end of June 2009.

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.

Response: The requested information is provided in the following table.

Surface Area	83.87 acres
Total Storage Capacity	3.7 million cubic yards
Current Volume of Materials Stored	3.4 million cubic yards
Operating area	1.7 million cubic yards
Closed area	1.9 million cubic yards (includes ash, clay cap and top soil)
Date of Volume Measurements	August – September, 2008
Maximum Height	57 ft. at an elevation of 362 ft. above mean sea level

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).

Response: There have been no known spills or unpermitted releases from the coal ash pond within the last ten years.

Note that there was one small wet area identified during the 2009 TCEQ site inspection. This wet area is associated with a toe drain and is currently under investigation.

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

Response: The requested information is provided in the following table.

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Current Legal Owners

Lower Colorado River Authority
Sam Seymour - Fayette Power
Project
6549 Power Plant Road
La Grange, Texas 78945

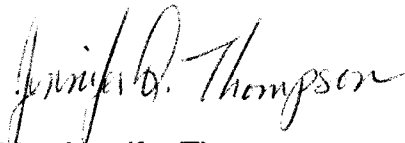
Austin Energy
721 Barton Springs Road
Austin, Texas 78704

Current Legal Operator

Lower Colorado River Authority
Sam Seymour - Fayette Power
Project
6549 Power Plant Road
La Grange, Texas 78945

Please let us know if you require any additional information.

Sincerely,



Ms. Jennifer Thompson
Plant Manager
Fayette Power Project

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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.

Signature: Jennifer D. Thompson
Name: Jennifer Thompson
Title: Plant Manager, Fayette Power Project