

US EPA ARCHIVE DOCUMENT



A NISource Company

R.M. Schahfer Generating Station
2723 East 1500 North
Wheatfield, IN 46392

March 26, 2009

**FEDERAL EXPRESS AND
CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

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

Re: Response of Northern Indiana Public Service Company, R.M. Schahfer Generating Station, to Request for Information under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”)

Dear Mr. Kinch:

By this letter, the Northern Indiana Public Service Company (“NIPSCO”), R.M. Schahfer Generating Station (“RMSGs”) responds to the United States Environmental Protection Agency’s (“U.S. EPA’s”) Request for Information under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (“Requests”). The Requests are provided as an enclosure to a letter from U.S. EPA dated March 9, 2009 that was received by NIPSCO on March 16, 2009.

Although NIPSCO has made a diligent and good faith effort to respond fully and completely to the Requests, NIPSCO nonetheless respectfully sets forth the general objections stated on the attached Exhibit A to preserve its rights. Subject to, and without waiving such general objections, NIPSCO responds as stated below to each of the 10 numbered items of the Requests based upon the information available to it and reasonably ascertainable within the time frame allotted by U.S. EPA.

U.S. EPA Request 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.*

NIPSCO Response to U.S. EPA Request 1: To NIPSCO’s knowledge, none of the units at the RMSGs subject to U.S. EPA Request 2 (below) have been rated under National Inventory of Dams criteria. NIPSCO is currently soliciting proposals from qualified contractors to perform safety assessments and intends for such assessments to commence during the next calendar quarter. Incidentally, the RMSGs is located within a predominately rural, agricultural area with generally flat topography and low housing density. The nearest major transportation artery, Indiana State Road 49, is approximately one mile to the west. The sole rail line in the vicinity is that which is used to transport fuel to the RMSGs. At its nearest point, the Kankakee River flows nearly seven-tenths of a mile from the RMSGs units.

U.S. EPA Request 2: What year was each management unit commissioned and expanded?

NIPSCO Response to U.S. EPA Request 2: A listing of all units at the RMSGS responsive to U.S. EPA Request 2 is stated below with each unit's corresponding year of initial service. NIPSCO has not since expanded the physical capacity of these units.

Waste Disposal Area - in service 1982
Material Storage Runoff Basin - in service 1982
Metal Cleaning Waste Basin - in service 1982
Yard Drain Stormwater Retention Pond - in service 1999

In addition, the RMSGS utilizes three impoundments that were not designed to receive "liquid-borne material for the storage or disposal of residuals or byproducts from the combustion of coal" but which may incidentally receive *de minimus* flows containing suspended solids related to the combustion of coal. NIPSCO does not believe these three impoundments to be subject to the Requests but lists them immediately below and elsewhere in this response in an abundance of caution and in a good faith effort to err (if at all) on the side of being overly responsive. NIPSCO has not expanded the physical capacity of these impoundments since the time they were placed in service.

Recycle Basin - in service 1982
FGD Landfill Stormwater Runoff Pond - in service 1983
Final Settling Basin - in service 1976

Furthermore, the RMSGS has two former (and now dry and filled) units which are, and have been since 1982, out-of-service. NIPSCO believes both the surface and subsurface of these former units to contain no free liquids and, hence, understands them to be outside of the scope of the Requests. Although these former units are not subject to the Requests, NIPSCO lists them immediately below and elsewhere in this response in an abundance of caution and in a good faith effort to err (if at all) on the side of being overly responsive. NIPSCO did not expand the physical capacity of these former units after they were placed in service.

Dry Ash Staging Area - in service 1976
Retired Waste Disposal Area - in service 1976

U.S. EPA Request 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).

NIPSCO Response to U.S. EPA Request 3: The materials contained in each of the units and impoundments described at NIPSCO's Response to U.S. EPA Request 2 are stated below.

Waste Disposal Area - bottom ash, boiler slag, and other (economizer ash for 1 unit, SCR ash for 1 unit, and boiler room sump effluent)
Material Storage Runoff Basin - gypsum from FGD process loss and other (coal storage runoff and yard drain effluent including fly ash and gypsum)
Metal Cleaning Waste Basin - gypsum from FGD process loss and other (coal storage runoff, yard drain effluent including fly ash and gypsum, demineralizer regenerant waste, and air heater wash water)

Final Settling Basin – other (effluent from Recycle Basin, Material Storage Runoff Basin and Metal Cleaning Waste Basin, sanitary effluent, and cooling tower blowdown)

Yard Drain Stormwater Retention Pond – stormwater runoff containing fly ash from loadout areas and gypsum from FGD building yard and roadway drains

Recycle Basin – other (clarified overflow from Waste Disposal area containing *de minimus* residuals)

FGD Landfill Stormwater Runoff Pond – other (negligible flows containing suspended solids from stormwater runoff associated with capped areas of the landfill (which receives dry ash and gypsum only))

Dry Ash Staging Area - formerly received wet-sluiced boiler slag (this area is now dry and used for temporary staging of dry fly ash from furnace, duct and hopper cleaning, and material dredged from the Material Storage Runoff Basin and Metal Cleaning Waste Basin)

Retired Waste Disposal Area - formerly received wet-sluiced fly ash, bottom ash and boiler slag (this area is now dry and used for dry staging of gypsum prior to use in wallboard manufacture)

U.S. EPA Request 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 the Professional Engineer?*

NIPSCO Response to U.S. EPA Request 4: The design and construction of the above-described units and impoundments was carried out by qualified contractors working under the supervision of Professional Engineers. NIPSCO is not aware of any safety inspections or monitoring subsequent to construction that was carried out under the supervision of a Professional Engineer. NIPSCO intends to begin safety assessments during the next calendar quarter through qualified contractors.

U.S. EPA Request 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?*

NIPSCO Response to U.S. EPA Request 5: NIPSCO is currently soliciting proposals from qualified contractors to perform safety assessments for three of the units and impoundments identified in response to Request No. 2: the Waste Disposal Area, the Recycle Basin, and the Final Settling Basin. The other units and impoundments identified in response to Request No. 2 each have a capacity of less than 50 acre feet or are dry. NIPSCO intends for the assessments of the three basins to commence during the next calendar quarter. NIPSCO is not aware of any documents or information regarding a prior safety assessment of the above-described units or any resulting corrective action.

U.S. EPA Request 6: *When did a State or 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.*

NIPSCO Response to U.S. EPA Request 6: NIPSCO is not aware of any past or planned State or Federal regulatory inspection or evaluation regarding the safety or the structural integrity of the

above-described units. NIPSCO is currently soliciting proposals from qualified contractors to conduct safety assessments for the three basins identified in response to Request No. 5 and intends for the assessments to commence during the next calendar quarter.

U.S. EPA Request 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.*

NIPSCO Response to U.S. EPA Request 7: NIPSCO is not aware of any State or Federal regulatory inspection or evaluation regarding the safety of the above-described units within the past year. NIPSCO is currently soliciting proposals from qualified contractors to perform safety assessments of the basins identified in response to Request No. 5 and intends for the assessments to commence during the next calendar quarter.

U.S. EPA Request 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 units? Please provide the date that the volume measurement was taken. Please provide the maximum height for the management unit(s). The basis for determining maximum height is explained later in this enclosure.*

NIPSCO Response to U.S. EPA Request 8: NIPSCO understands U.S. EPA Request 8 to seek information regarding the capacity of units to store material and the volume of material currently stored in each unit. The area, material storage capacity, current material storage volume, and maximum dam height of each unit described in NIPSCO's Response to U.S. EPA Request 2 are stated immediately below. The listed operational capacities were estimated in March 2009 and represent sums slightly less than each unit's theoretical maximum capacity. The stated current material storage volumes were also estimated in March 2009.

Waste Disposal Area - 75.5 acres, operating capacity 1,880,000 CY, currently containing 750,000 CY, maximum dam height 17 ft

Material Storage Runoff Basin - 12 acres, operating capacity 77,400 CY, currently containing 65,000 CY, maximum height 4 ft

Metal Cleaning Waste Basin - 12 acres, operating capacity 77,400 CY, currently containing 64,000 CY, maximum dam height 4 ft

Yard Drain Stormwater Retention Pond - 1.3 acres, water capacity 9000 CY, currently containing small amounts of residuals (materials) (this impoundment is periodically cleaned to remove solids collected), maximum dam height zero feet (incised basin)

In addition to the impoundments listed immediately above, the RMSGS utilizes settling and stormwater impoundments. These impoundments (listed immediately below) were designed to address wastewater and stormwater and receive only incidental *de minimus* quantities of materials. NIPSCO believes these impoundments to be outside of the scope of U.S. EPA Request 8. NIPSCO nonetheless lists them below in an abundance of caution and in a good faith effort to err (if at all) on the side of being overly responsive. The stated capacities were estimated in March 2009 and represent the operational capacity of each impoundment for water flows. The current volume of material stored in each impoundment is *de minimus*.

Recycle Basin - 30 acres, water capacity 600,000 CY, currently containing *de minimus* residuals (materials), maximum dam height 17 ft

FGD Landfill Stormwater Runoff Pond - 4.5 acres, water capacity 19,000 CY, currently containing *de minimus* residuals (materials), maximum dam height 3 ft

Final Settling Basin - 214 acres, water capacity 3,550,000 CY, currently containing *de minimus* residuals (materials), maximum dam height 13 ft

As explained above, the two former units listed immediately below are full and believed to be dry and, hence, are outside of the scope of the Requests. Although not subject to the Requests, NIPSCO lists them immediately below, along with area and dam height information, in an abundance of caution and in a good faith effort to err (if at all) on the side of being overly responsive.

Dry Ash Staging Area - 4.7 acres, former dam height 0-2 feet (Dry and dredged material is staged on top of this area and periodically removed to a disposal site.)

Retired Waste Disposal Area - 50 acres, former dam height 13 feet (The surface of this area is used for the dry staging of gypsum prior to reuse in wallboard manufacture.)

U.S. EPA Request 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 the 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).*

NIPSCO Response to U.S. EPA Request 9: NIPSCO is aware of two unintended releases from the units and impoundments identified at NIPSCO's Response to U.S. EPA Request 2 during the last 10 years (since March 9, 1998). The most recent occurred due to the mechanical failure of a pump on March 10, 2009. The mechanical failure led to an overflow of water from the Metal Cleaning Waste Basin. This release of water was contained to the immediately adjacent ground, did not reach any surface waters, did not result from a breach in the dike, and did not involve solid material contained in the ponds. The release did not exceed any reportable quantity threshold and thus was not reported externally. Pump operation was restored and the dike was re-graded and re-compacted. The dike containing this impoundment varies from three to four feet above grade. Under normal conditions flows from the Metal Cleaning Waste Basin discharge from Outfall 001 via the Final Settling Basin pursuant to the RMSGS's NPDES permit. An earlier, similar incident occurred in June 2008.

U.S. EPA Request 10: *Please identify all current legal owner(s) and operator(s) at the facility.*

NIPSCO Response to U.S. EPA Request 10: NIPSCO currently owns and operates all aspects of the RMSGS with the exception of the gypsum stockpile area located on the filled Retired Waste Disposal Area. Upon removal from the RMSGS's flue gas desulfurization process, gypsum is staged and managed by the Georgia Pacific Corporation.

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: David W. Dorsch

Title: Manager Maintenance
Northern Indiana Public Service Company
Rollin M. Schahfer Generating Station
2723 East 1500 North
Wheatfield, Indiana 46392

Exhibit A

General Objections

General Objection No. 1: NIPSCO objects to the Requests to the extent that they exceed the authority granted to the U.S. EPA under Section 104(e) of CERCLA. NIPSCO specifically objects to the Requests to the extent that U.S. EPA has not presented “a reasonable basis to believe that there may be a release or threat of release of a hazardous substance or pollutant or contaminant” at the RMSGS. *See* 42 USC § 9604(e)(1).

General Objection No. 2: NIPSCO objects to the introductory paragraph (i.e. the first, unnumbered paragraph) (“Introductory Paragraph”) of the Requests on the grounds that the paragraph is ambiguous, vague, overbroad, or too indefinite to be capable of reasonable interpretation. For the purposes of responding to the Requests, NIPSCO has assumed that the RMSGS’s R M Schahfer Generating Station RWS I, Indiana Permit FP 37-01 is outside the scope of the Requests as it receives only dry residuals which have been marginally conditioned for dust control or dredged and allowed to thoroughly dewater prior to disposal. NIPSCO also assumes that detention basins at RMSGS that receive *de minimus* amounts of coal dust through fugitive dust emissions are outside the scope of the Requests

General Objection No. 3: NIPSCO objects to the terms “management unit” and “unit” as ambiguous, vague, overbroad, or too indefinite to be capable of reasonable interpretation. By “management unit” and “unit,” NIPSCO assumes, for the purpose of this response, that U.S. EPA intends the terms to refer to the basins, ponds, impoundments and disposal facilities which receive or store liquid-borne coal combustion byproducts or residuals except incidentally in *de minimus* quantities and as described at General Objection No. 2.

General Objection No. 4: NIPSCO objects to the term “material” as ambiguous, vague, overbroad, or too indefinite to be capable of reasonable interpretation. By “material,” NIPSCO assumes, for the purposes of this response, that U.S. EPA intends the term to refer to liquid-borne coal combustion byproducts and residuals. NIPSCO additionally objects to other aspects of the Requests which also ambiguous, vague, overbroad, or too indefinite to be capable of reasonable interpretation.

General Objection No. 5: NIPSCO objects to the Requests to the extent they purport to require NIPSCO to divulge information protected by the attorney-client privilege, the work product privilege, or any other privilege recognized under applicable law.

General Objection No. 6: NIPSCO objects to the Requests to the extent they call for NIPSCO to make legal conclusions concerning any statute or regulation. NIPSCO also objects to the Requests to the extent they require NIPSCO to (a) conduct inspections, assessments, calculations or other activities not otherwise required by an applicable law or (b) develop or create documents that do not exist or that NIPSCO is not otherwise required to create or maintain by applicable law.

General Objection No. 7: NIPSCO objects to the Requests to the extent they seek information previously provided to U.S. EPA, already available to U.S. EPA, or possessed by another governmental agency. By way of example and not limitation, this objection includes information regarding prior state or federal governmental inspections. Requests for such information are duplicative and unreasonably burdensome. NIPSCO also objects to other aspects of the Requests

to the extent they seek information which is similarly unreasonably burdensome to obtain or produce.

General Objection No. 8: NIPSCO objects to the Requests to the extent that, through that Request, U.S. EPA seeks information not relevant to the purpose stated in U.S. EPA's letter dated March 9, 2009 or CERCLA Section 104(e).

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