

US EPA ARCHIVE DOCUMENT



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May 19, 2009

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

**Subject: Response to "Request for Information Under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9604(e)" as it Relates to the NRG Energy Center Dover LLC Facility Located in Dover, Delaware**

Dear Mr. Kinch:

On May 5, 2009, NRG Energy Center Dover LLC ("NRG") received the above referenced request for information ("RFI") from the United States Environmental Protection Agency ("EPA") relating to "surface impoundments or similar diked or bermed management unit(s) or management units designated as landfills which receive 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" at its facility located in Dover, Delaware (the "Dover facility"). The "surface impoundment" located at the Dover facility is designed and operated to manage waste water flows from the operation of a nominal 18 megawatt coal fired cogeneration plant. Waste water resulting from plant operations does include incidental amounts of coal ash and coal fines which escape the otherwise enclosed materials handling systems. By design, residuals resulting from the combustion of coal at the Dover facility are managed in a dry state: ash is (1) pneumatically conveyed from the furnace and the electrostatic precipitator to an enclosed ash storage silo, (2) removed from the silo in either a dry or "conditioned" (i.e., wetted with water sprays to lessen the potential for fugitive dust) state, (3) directly loaded to haul trucks from the ash silo and taken off site, and (4) is delivered to a third party either for final disposal in a landfill or for beneficial use as a raw material for cement manufacturing.

Although NRG does not believe that the RFI applies to the waste water pond at the Dover facility, NRG hereby submits Attachment A, which specifically responds to the ten questions raised in the RFI.

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

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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.

If you have any questions regarding this submittal, or if you require further information, please contact either myself at (302) 678-4652, or Jim Idzorek at (612) 436-4126.

On Behalf of NRG Energy Center Dover LLC,



Bill Grow  
Plant Manager

Enclosures

cc: Jim Idzorek / NRG Thermal LLC  
file

## Attachment A

### Waste Water Pond NRG Energy Center Dover

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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.

***Note: NRG does not believe that the waste water pond at the Dover facility meets the definition of "surface impoundment..." as the term is being in EPA's RFI. Nonetheless, NRG is providing the following responses to each of the ten questions.***

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.

***The Dover facility's waste water pond is not subject to regulation under Delaware's Dam Safety regulation (7 Del. C. § 4203) because the regulation expressly excludes ponds with a berm height of six feet or less, a storage volume of 15 acre-feet or less, or a potential hazard rating of low or less-than-low. Accordingly, no potential hazard rating has been determined for the pond.***

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

***The waste water pond was commissioned in 1984. No changes affecting pond volume have been made since commissioning.***

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).

***The Dover facility waste water pond holds waste water flows resulting from plant operations. Incidental amounts of fly ash, bottom ash, and boiler slag may be present in the pond if these materials escape the enclosed ash handling system. Incidental amounts of coal fines may also be present in the pond as very small amounts of this material do escape the enclosed coal handling system.***

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?

***The waste water pond was designed by Burns and Roe Industrial Services Corporation for a prior owner of the Dover facility. NRG does not know whether a Professional Engineer designed the pond, or whether a Professional Engineer supervised the construction of the pond. At present, the pond is overseen by 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?

***NRG took ownership of the Dover facility in August 2000, and since that time there has been no assessment of the structural integrity of the pond. NRG does not know whether previous owners conducted any such assessment.***

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.

***Under NRG's ownership, the Dover facility's waste water pond has not been the subject of any state or federal inspections/evaluations for structural integrity. NRG does not know whether any such inspections/evaluations were conducted prior to NRG's ownership. There are no known federal or state safety inspections scheduled for this pond.***

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 inspections/evaluations have been conducted by state or federal regulatory officials in 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 material currently stored in each of the management unite(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.

***Surface area of pond:***

***The maximum surface area of the pond, calculated at the inside top of the berm, is 0.08 acres (pond is square, inside length at the top of the berm is 59 feet on each side).***

***Volume of pond:***

***The maximum volume of the pond, calculated to the inside top of the berm, is 0.38 acre-feet (side length at the interior toe of the berm is 35 feet, maximum pond depth/berm height is 6 feet above the surrounding terrain). This volume calculation is based on design drawings dated 1984.***

***Volume of "stored" material in pond:***

***Typically, there is less than about 1 foot of solids in the bottom of the pond, resulting in approximately 45 cubic yards of solids being present at any given time. This estimate is based on visual observation, not any specific measure conducted on a specific date.***

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).

***Under NRG's ownership, there have been no spills which allowed coal combustion by-products or residuals to be released from the pond. There have been infrequent occurrences of water overtopping the berm onto the adjacent ground. No information is available regarding any releases which may have occurred prior to NRG's ownership.***

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

***The current owner and operator of the pond is NRG Energy Center Dover LLC.***