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

July 28, 2011

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

VIA E-MAIL

Mr. Gary Harris
Managing Director
PacifiCorp Energy
Wyodak Plant
48 Wyodak Road
Gillette, Wyoming 82718

Dear Mr. Harris,

On October 26, 2010 the United States Environmental Protection Agency ("EPA") and its engineering contractors conducted a coal combustion residual (CCR) site assessment at the Wyodak Power Station facility. The purpose of this visit was to assess the structural stability of the impoundment 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 unit at the Wyodak Power Station 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 Wyodak Power Station facility is enclosed. This report includes a specific condition 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 Wyodak Power Station 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 provide a rationale. Please provide a response to this request by August 29, 2011. Please send your response to:

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

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

Mr. Stephen Hoffman
U.S. Environmental Protection Agency
Two Potomac Yard
2733 S. Crystal Drive
5th Floor, N-5838
Arlington, VA 22202-2733

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

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.

Please be advised that providing false, fictitious, or fraudulent statements of representation may subject you to criminal penalties under 18 U.S.C. § 1001.

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 efforts to ensure protection of human health and the environment.

Sincerely,
/Suzanne Rudzinski/, Director
Office of Resource Conservation and Recovery

Enclosures

Enclosure 2

Wyodak Power Station Recommendations (from the final assessment report)

11.1 Corrective Measures and Analyses for the Structures

Implement field procedures to prevent potential for encroachment of excavations into the theoretical embankment prism described in Section 8.3 of the final report; procedures should include, but are not limited to, means to prevent undercutting the upstream slopes of embankment dikes when excavating bottom ash from the settling cell.

11.2 Corrective Measures Required for Instrumentation and Monitoring Procedures

None recommended.

11.3 Corrective Measures Required for Maintenance and Surveillance Procedures

Conduct regular visual observation of the upstream slope of the North Embankment Dam for sloughing, localized slope failures or other indications of slope instability. Repair upstream slope promptly upon discovery of any slope failure.

Conduct regular visual observation of downstream slope of the North Embankment Dam for signs of surficial erosion. Repair downstream slope promptly upon discovery of any erosion features.

11.4 Corrective Measures Required for the Methods of Operation of the Project Works

None recommended for operation of CCW ponds. Refer to Section 8.3 of the final report for related potential operational issues identified during the inspection.

11.5 Summary

The following factors were the main considerations in determining the final rating of the CCW impoundments at the Wyodak Power Station.

- The north embankment dam is a Less Than Low Hazard structure based on federal classifications.
- The CCW impoundment was observed to be in generally good condition at the time of the field assessment.
- The north embankment dam upstream slope exhibits localized areas of over steepened slopes that could lead to erosion and embankment instability over time.

The Ash Pond is located at the bottom of an inactive mine pit and as a result, any breach in the Ash Pond north embankment dam would be contained within the inactive mine pit sump and would not be discharged outside the former mine.