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DEPARTMENT OF HEALTH
AND ENVIRONMENT

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August 17, 2009

Mr. Stephen Hoffman
Office of Resource Conservation and Recovery (5304P)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Re: **Reply to June 2009 Draft Copy of Coal Ash Impoundment – Specific Site Assessment, Jeffrey Energy Center, Westar Energy, Pottawattamie County, Solid Waste Permit 359**

Dear Mr. Hoffman:

As Chief of the Solid Waste Permits Section of the Bureau of Waste Management, KDHE I appreciate the opportunity to comment on the first draft of the June of 2009 Coal Ash Impoundment – Specific Site Assessment Report submitted by GEI, Consultants, Inc. We have concerns about your conclusions because they do not reflect the reality that this facility manages their coal combustion wastes in a different and much more environmentally protective way than the Tennessee Valley Authority did at their Kingston Fossil Plant location in Roane County, Tennessee.

KDHE/BWM/Permits Section issued the permits for the landfills at Jeffrey Energy Center. In order to issue the landfill permits the staff of the Section had to become familiar with all of the waste streams generated by the power plant, as well as, the disposal of the wastes generated.

It should be noted that the Bottom Ash Lake contains minimal amounts of coal combustion waste. It should also be noted that the Bottom Ash Pond located immediately upstream of the Bottom Ash Lake likewise contains minimal amounts of coal combustion waste. The bottom ash that is removed from the boilers is moved in a slurry to a settling area that is upstream of both the Bottom Ash Pond and the Bottom Ash Lake. **Should a failure of either of the dams at the Bottom Ash Pond and the Bottom Ash Lake occur, contamination of the soil and surface water from coal combustion waste would not occur since there are only de minimus quantities of coal combustion waste in either of the two impoundments. Therefore, it would be a waste of resources for Westar to be required to perform an additional dam breach analysis for either the Bottom Ash Lake or Bottom Ash Pond from an environmental protection perspective.**

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Westar and their consultant, Black and Veatch, agree that the sediment in the toe drain and the v-notch weir should be removed. In addition, Westar and their consultant agree that any existing trees should be removed from the spillway channel, in the area near the v-notch weir and on the nearby stability berm. They also agree that the rip-rap needs to be monitored annually or after any major storm events for deterioration so that it is maintained to meet expected flow conditions.

KDHE also concurs with the comments noted just above from Westar and their consultant regarding dam and spillway channel maintenance. Likewise, KDHE/BWM appreciates the opportunity to comment on the referenced draft report and hopes that you will take these comments into consideration before making a final decision on the outcome of the assessment. If you have any questions concerning my comments, please contact me at ddegner@kdheks.gov or 785-296-1601.

Sincerely,



Dennis A. Degner, Ph.D., P.E.
Chief, Solid Waste Permits Section
Bureau of Waste Management, KDHE

pc: Julie Coleman, KDHE/NEDO → Waste Programs
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File: PT, 359, PI