

US EPA ARCHIVE DOCUMENT



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

July 26, 2011

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

VIA E-MAIL

Mr. Terry Coss
Environmental Director
Xcel Energy
414 Nicollet Mall
Minneapolis, MN 55401-1993

Dear Mr. Coss,

On September 23, 2010 the United States Environmental Protection Agency ("EPA") and its engineering contractors conducted a coal combustion residual (CCR) site assessment at the Northern States Black Dog facility. The purpose of this visit was to assess the structural stability of the impoundments 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 units at the Northern States Black Dog 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 Northern States Black Dog 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 Northern States Black Dog 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 23, 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

Northern States Black Dog Recommendations (from the final assessment report)

1.2.1 Recommendations Regarding the Structural Stability

Maintain frequent inspections of the Pond 3 and Pond 4 embankments along Black Dog Lake. Operator inspections should occur monthly; during and after significant rain events; and, during and after the rise and fall of flood events on Black Dog Lake. After NSP-M reviewed the draft version of this report, NSP-M proposed to add a visual structural integrity component to their existing inspection program, to be performed by an engineer, which will be implemented biannually in the Spring and Fall of each year.

1.2.2 Recommendations Regarding the Hydrologic/Hydraulic Safety

Hydrologic and Hydraulic calculations of the four ponds were not provided. It is recommended that a hydrologic and hydraulic analysis be provided or performed to evaluate the capacity of the ponds' existing spillway system and its ability to handle internal drainage flows from the Plant site for a large localized storm event (i.e. 100-year storm). After NSP-M reviewed the draft version of this report, NSP-M proposes to perform a Hydrologic and Hydraulic analysis to demonstrate there is not an issue with the capacity of any of the existing ponds.

1.2.3 Recommendations Regarding the Maintenance and Methods of Operation

It was noted during the field assessment that there was significant vegetation and tree growth along the outside slope of the earthen embankment between Black Dog Lake and Ponds 3 and 4 that made it difficult to observe its condition. It is recommended that the outside slope of this embankment be maintained in such a way that adequate inspections of the slope can be made in the future. In response to recommendations made in the draft version of this report, NSP-M proposes to remove all understory brush (vegetation with a trunk diameter less than 2 inches) to help facilitate the inspection of the embankment. NSP-M believes that removal of trees larger than 2 inches in diameter would compromise the existing embankment and should be retained unless conditions change to the point where they pose a potential risk. This condition will be monitored by the additional biannual structural integrity inspection proposed by NSP-M under Section 1.2.1 above.