



SERVICES YOU COUNT ON

Bradley P. Beecher  
Vice President and Chief Operating Officer - Electric

May 12, 2009

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

RE: Request for Information under Section 104 (e) of the Comprehensive Environmental Response, Compensation, and Liability Act U.S.C. 9604 (e)

Mr. Kinch:

The Empire District Electric Company acknowledges receipt of the US Environmental Protection Agency Request for Information, received at the Riverton Power Station on May 5, 2009. Provided as an enclosure, is the requested response to your questionnaire.

If we can be of further assistance in providing additional information about our facilities, please contact George Thullesen, Director of Safety and Environmental Services, at 417-625-5123.

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 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: Brad Beecher

Name: Brad Beecher

Title: Vice President & COO - Electric

sjb  
Enclosures

## **Enclosure**

Response to Information Request: EPA letter received May 5, 2009

### **Riverton Power Station**

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 Riverton Power Station Industrial Landfill unit does not have an established rating relative to the National Inventory of Dams criteria. The Landfill is regulated by the Kansas Department of Health and Environment (KDHE), Bureau of Waste Management

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

The Riverton Power Station Industrial Landfill as currently operated and managed was constructed in two separate phases. The West Pond was established in 1951 and the East Pond was completed in 1985. KDHE granted a Permit (#0784) for the combined unit to operate as an industrial solid waste disposal area on June 2, 2000.

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 landfill unit contains both (1) fly ash and (2) bottom ash. A special monofill condition of the Permit limits the disposal area to only fly ash and bottom ash from the Riverton Power Station.

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 or the safety of the waste management unit(s) under the supervision of a Professional Engineer?

The landfill unit was not designed or constructed under the supervision of a Professional Engineer. The inspection, monitoring and safety of the landfill area are performed by plant staff

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?

On March 31, 2009 The Empire District Electric Company contracted with the Anderson Engineering, Inc. to conduct a preliminary visual slope inspection of the landfill unit. Anderson Engineering, Inc. is a Civil Engineering and Land Surveying Company licensed to provide services to state and federal agencies, utilities, and general industry in 26 states. Credentials include the design work and construction supervision of several storage ponds.

The Empire District Electric Company has reviewed the inspection report and plans to address the recommendations from the consulting engineering services company.

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 of 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.

The landfill unit was last inspected by the KDHE, Southeast District Office, Waste Management Program on May 9, 2008. No violations were identified. A copy of the report is attached. The Empire District Electric Company is not aware of any planned State or Federal inspections or other evaluations. The current inspection schedule used by the KDHE is not announced.

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.

Except for the inspection cited in question # 6, to the best of The Empire District Electric Company's knowledge no assessment, evaluations or inspections have been conducted by State or Federal regulatory officials within the last year at the Riverton Power Station Industrial Landfill.

8. What is the surface area (acres) and total storage capacity of each of the management units? What is the volume of materials currently stored in each of the management unit(s)? Please provide the maximum height of the management unit(s). The basis for determining maximum height is explained later in this Enclosure.

The total surface area of the landfill is 28 acres. An aerial survey of the landfill conducted on March 6, 2009 estimates the total storage capacity to be approximately 1.6 million cubic yards. Total volume of fly ash and bottom ash stored in approximately 1.3 million cubic yards. The Maximum height is 19 feet.

9. Please provide a brief history of known spills or un-permitted 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).

No un-permitted release or spills have occurred within the past ten years. The landfill has a water overflow point that is allowed to discharge. Effluent limitations and monitoring requirements are specified in the facilities National Pollutant Discharge Elimination System (NPDES) operating permit.

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

The legal owner and operator of the Riverton Power Station Industrial Landfill is The Empire District Electric Company.