



William L. Gipson
President and Chief Executive Officer

March 25, 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 Asbury Power Station and our corporate office on March 13, 2009. Included with this letter is the requested response to your questionnaire. Additionally, one coal combustion facility owned and managed by our corporation did not receive an information request. This facility is identified in a separate list provided as an Enclosure.

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: William L. Gipson

Name: William L. Gipson

Title: President & CEO

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Enclosures

The Empire District Electric Company

Enclosure: List of facilities in The Empire District Electric Company which have not received an Information Request.

Riverton Power Station – 7240 SE HWY 66 – Riverton, Kansas 66770

Enclosure

Response to Information Request: EPA letter dated March 9, 2009

Asbury 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 Asbury ash impoundment unit does not have an established rating relative to the National Inventory of Dams criteria. The unit is regulated by the Missouri Department of Natural Resources, Water Pollution Control Branch.

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

The Asbury ash impoundment as operated and managed today was constructed in three separate phases. The original impoundment was built in 1970, a lower pond expansion was constructed in 1974 and an upper pond was added to the containment area in 1978.

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 Asbury Power Station is a Cyclone type unit. As operated, only fly ash and boiler slag are permanently contained in the impoundment area. The current extraction of boiler slag for beneficial use is at a pace that its storage time is greatly reduced.

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 original and supplemental additions of the Asbury ash impoundment area was not designed or constructed under the supervision of a professional Engineer. The inspection, monitoring and safety of the ash impoundment 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?

In April 1987, The Empire District Electric Company (Empire) contracted with Black and Veatch Engineering – Architects of Kansas City, Missouri for an Ash Pond Improvement Study at the Asbury Power Station (B&V Project 13611). Black and Veatch Engineers assessed the impoundment area and developed a project plan from the results of its site investigation and laboratory testing. Under the supervision of Black and Veatch Engineers, contractors built an impermeable barrier in the primary holding cell keyed into the underlying bedrock. Additional remedial actions included repairing erosion damage to the crest, restoring the structural integrity of the dike, and enhancement of erosion resistance to the upstream slope.

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.

The Asbury Power Station was last inspected on February 9, 2006, by the Missouri Department of Natural Resources (MDNR). The inspection focused on the cooling water, storm water, and wastewater facilities operating under Missouri State Operating Permit MO-0095362. The ash impoundment overflow discharge point is a permitted outfall. No specific comments relative to the safety or structural integrity of the ash pond were noted in the report. A copy of the report is attached. The Empire District Electric Company is not aware of any planned State or Federal inspections. The current inspection schedule used by the MDNR 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.

To the best of Empire's knowledge no assessments, evaluations or inspections have been conducted by State or Federal regulatory officials within the last year at the Asbury Power Station regarding the ash impoundment unit.

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 Asbury ash impoundment unit covers approximately 92 acres of surface area. The total storage capacity is not known but is estimated to be in the range of 20 years at current production rates. Since the start of plant operations an estimated 1,045,000 tons of fly ash has been disposed in the impoundment. The maximum total height of the unit is 26 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 ash impoundment contains an overflow outfall that is allowed to periodically discharge under final effluent limitations and monitoring requirements specified in the operating permit.

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

The legal owner and operator of the Asbury Power Station is The Empire District Electric Company.