



Indian River Power LLC
Indian River Generating Station
PO Box 408
Millsboro, DE. 19966

May 20, 2009

Mr. Richard Kinch
United States Environmental Protection Agency (5306P)
1200 Pennsylvania Avenue, NW
Washington, DC 20460

SUBJECT: Request for Information Under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9604(e)
Indian River Electric Generating Station
Millsboro, Delaware

Dear Mr. Kinch:

Indian River Power LLC ("IRPL") hereby provides to the United States Environmental Protection Agency ("EPA") information and documentation in response to the above-referenced Request for Information ("ROI") regarding Indian River Generating Station ("Indian River Station"). Indian River Station's Plant Manager received the ROI on May 11, 2009. As requested, Indian River is submitting this response to the ROI to EPA within ten business days of receipt. Enclosed as an attachment to this letter are IRPL's responses to the ROI regarding each of the coal combustion by-product waste management units at Indian River Station. Each individual information request is set forth in italics followed by IRPL's response.

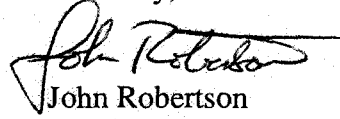
Indian River Station does not have any landfills that receive liquid-borne material for the storage or disposal of residuals or by-products from the combustion of coal, including, but not limited to, fly ash, bottom ash, boiler slag or flue gas emission control residuals that meet this criteria. This includes units that no longer receive coal combustion residues or by-products, but still contain free liquids. However, the facility does include two "non-landfill" auxiliary units that, by definition, could meet the criteria. These units include a stormwater runoff sedimentation pond regulated within Indian River Station's National Pollutant Discharge Elimination System ("NPDES") permit and a closed loop system sump located near Indian River Station's coal ash silos.

I hereby certify that the information contained in this response to the ROI and the accompanying documents are 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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system and of those persons directly responsible for gathering the information, to the best of my knowledge the information submitted is, 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.

If you have questions regarding the submittal information, please contact the undersigned at (302) 934-3514.

Sincerely,

A handwritten signature in black ink, appearing to read "John Robertson", written in a cursive style.

John Robertson
Plant Manager

ATTACHMENT A
Auxiliary Equipment – Sedimentation Pond
Indian River Electric Generating Station

Please provide the information requested below for each surface impoundment or similar diked or bermed management unit(s) or management units designated as landfills which receive liquid-borne material for the storage or disposal of residuals or by-products from the combustion of coal, including, but not limited to, fly ash, bottom ash, boiler slag, or flue gas emission control residuals. This includes units that no longer receive coal combustion residues or by-products, but still contain free liquids.

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 does not have a rating, please note that fact.

Indian River Station maintains a storm water runoff sedimentation pond that is regulated within Indian River Station's NPDES permit. Because the waste stream includes yard drains, which can receive a very insignificant volume of coal ash, this unit has been included in this inventory. However, the facility's sedimentation pond is not subject to regulation pursuant Delaware's Dam Safety Regulations applicability exclusions (12DE Regulation 1288) because the date of construction, small storage volume of 15 acre-feet or less and or a potential hazard rating of low or less-than-low. Accordingly, no potential hazard rating has been determined or assigned for the pond.

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

The sedimentation pond was reconstructed in 1989 and has not been expanded.

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 storm water sedimentation pond holds storm water runoff flow resulting from general plant operations. Incidental amounts of fly ash and bottom ash could be present if captured in yard drains.

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

This specific information is unknown however, it is IRPL's general understanding that the unit was designed by a Professional Engineer ("PE") and constructed under the supervision of a PE.

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?

The condition of the unit is assessed during required NPDES monitoring and monitored by plant operations staff during routine facility inspections to assure the integrity of the unit. In the event erosion is present, necessary action would be taken to rectify the situation.

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.

The Delaware permitting agency conducts annual inspections of all discharge points including the sedimentation pond. At this time, IRPL is not aware of any additional planned state or federal inspection or evaluation of this specific unit.

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.

No.

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

The dimensions of the sedimentation pond are approximately 250 feet x 50 feet with a surface area of approximately 0.29 acres with an estimated average water depth of 2 feet. The water volume is approximately 2778 square yards. The stand pipe in the pond is set to maintain the water level at approximately 2 feet. Typically, there are less than 6 inches of solids in the bottom of the pond, resulting in approximately 250 tons of solids being present at any given time. The volume measurements were calculated on May 19, 2009. The sedimentation pond is below grade,

and, therefore, it does not have a maximum height.

9. Please provide a brief history of known spills or unpermitted 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).

IRPL purchased the facility in 2001. There have been no known spills or unpermitted releases from the unit since this time and we are not aware of any previous releases.

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

The legal owner and operator is Indian River Power LLC.

ATTACHMENT B
Ash Silo Area Sump System
Indian River Electric Generating Station

Please provide the information requested below for each surface impoundment or similar diked or bermed management unit(s) or management units designated as landfills which receive liquid-borne material for the storage or disposal of residuals or by-products from the combustion of coal, including, but not limited to, fly ash, bottom ash, boiler slag, or flue gas emission control residuals. This includes units that no longer receive coal combustion residues or by-products, but still contain free liquids.

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 does not have a rating, please note that fact.

Indian River Station has a small sump system located in the vicinity of the facility's common ash handling silos. The sump system is approximately 15 feet x 21 feet x 4 feet with a volume of approximately 1260 cubic feet or 47 cubic yards and a surface area of 315 square feet or approximately 0.007 acres. Because the sump can receive very insignificant volumes of coal ash material, the sump is included in our inventory. Periodically coal ash material accumulated in the sump is removed and disposed of in our dry solid waste landfill. The sump system has no rating because it does not meet the applicability criteria of the Dam Safety Program.

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

The in-service date for the sump system is unknown. However, IRPL believes that the sump system was constructed in 1979 when Indian River Station was expanded.

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 sump system is designed to collect bottom ash from the bottom ash handling system (Hydrobins) and to contain minor volumes of coal ash material from the silos or roadway wash down from the vicinity of the silos. Periodically, coal ash material accumulated in the sump system is removed and disposed of in Indian River Station's dry solid waste landfill.

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

Engineer?

IRPL does not have detailed records on the design and construction of this unit. However, IRPL understands that the sump system was designed by a PE and constructed under the supervision of a PE.

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?*

The condition of the sump system is assessed by Indian River Station personnel during routine operator inspections and cleanings. No significant safety issues have been observed with respect to the sump.

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.*

IRPL is not aware of any conducted or planned inspection by a federal or state agency.

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.*

None.

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

The sump system is approximately 15 feet x 21 feet x 4 feet with a volume of approximately 1260 cubic feet or 47 cubic yards and a surface area of 315 square feet or approximately 0.007 acres. The sump system contains incidental amounts of coal ash material. Periodically, coal ash material accumulated in the sump is removed and disposed of in Indian River Station's dry solid waste landfill. The volume was calculated on May 19, 2009.

9. *Please provide a brief history of known spills or unpermitted 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).

IRPL purchased the facility in 2001 and there have been no known spills or unpermitted releases since this time. IRPL is not aware of any previous spills or releases.

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

The legal owner and operator is Indian River Power LLC.