



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

December 14, 2009

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

VIA E-MAIL AND FEDERAL EXPRESS

Mr. Fred Holt
Progress Energy Carolinas
P.O. Box 1551
Raleigh, North Carolina 27602

Dear Mr. Holt,

On September 1-2, 2009 the United States Environmental Protection Agency ("EPA") and its engineering contractors conducted a coal combustion residual (CCR) site assessment at the Roxboro 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 Roxboro 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 Roxboro facility is enclosed. This report includes a specific 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 Roxboro 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 explain why. Please provide a response to this request by January 15, 2010. Please send your response to:

Mr. Stephen Hoffman
US Environmental Protection Agency (5304P)
1200 Pennsylvania Avenue, NW
Washington, DC 20460

If you are using overnight or hand delivery mail, please use the following address:

Mr. Stephen Hoffman
US Environmental Protection Agency
Two Potomac Yard
2733 S. Crystal Drive
5th Floor, N-237
Arlington, VA 22202-2733

You may also provide a response by e-mail to hoffman.stephen@epa.gov

This request has been approved by the Office of Management and Budget under EPA ICR Number 2350.01.

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.

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 ongoing efforts to ensure protection of human health and the environment.

Sincerely,
/Matt Hale/, Director
Office of Resource Conservation and Recovery

Enclosures

Enclosure 2
Roxboro Creek Recommendations

4.1 RECOMMENDATION NO. 1

Inspect the slopes of the West Ash Pond Dam at the interface of the earth slope and the top of the riprap blanket for surface erosion or scarps.

Schedule: Following vegetative maintenance mowing.

4.2 RECOMMENDATION NO. 2

Check the drain outlets of the West Ash Storage Dam during monthly inspections to determine if soil material is being transported.

Schedule: During Monthly Inspections.

4.3 RECOMMENDATION NO. 3

A method to quantify the amount of seepage from the West Ash Pond Dam internal drain outlets is recommended

Schedule: Prior to Next Inspection.

4.4 RECOMMENDATION NO. 4

Continue to monitor the seepage at the toe of the Settling Pond Dike until the pond is taken out of service for repairs.

Schedule: According to existing plans.

4.5 RECOMMENDATION NO. 5

Follow-up to developing and implementing a repair plan for the seepage at the NPDES Discharge Point.

Schedule: Prior to Next Inspection.

4.6 RECOMMENDATION NO. 6

Since the 1987 Ash Pond Hydrology Study was completed, portions of the pond have filled with ash and three diked structures have been or will be constructed within the ash pond. The details of the Study were not available to determine if these changes were predicted in the 1987 Study. We recommend that PGN review this Study to determine if the results are still valid.

Schedule: Prior to Next 5-year Inspection.