



April 3, 2009

Mr. Richard Kinch
US Environmental Protection Agency
Two Potomac Yard
2733 S. Crystal Dr.
5th Floor; N-5783
Arlington, Virginia 22202 2733

**Subject: KCBPU Nearman Creek Power Station Coal Ash Pond --
Request for Information under Section 104 (e) of the
Comprehensive Environmental Response, Compensation, and
Liability Act, 42 U.S.C. 9604(e)**

Dear Mr. Kinch:

Please accept this letter and enclosures in response to your information request regarding the coal ash pond at the Kansas City Board of Public Utilities (KCBPU) Nearman Creek Power Station. The responses provided below are specific to the bottom ash pond at Nearman only and not the fly ash disposal cell which is a dry deposition area at Nearman:

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 unit has not been rated following the National Inventory of Dams criteria.

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

Documents in the project files indicate that construction on the unit was completed May 30, 1980. The unit was permitted by KDHE on February 11, 1982. The unit has never 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).

All of the materials contained in the unit are by-products of coal combustion. Essentially all of these materials are bottom ash and boiler slag. There may have been rare instances when fly ash was taken to the unit. Other than small amounts of fly ash, no flue gas emission control residuals (ie: flue gas desulfurization) are contained in the unit.

4. Was the management unit(s) designed by a Professional Engineer? Is or was the construction of the waste management unit(s) under the supervisions of a Professional Engineer? Is inspection and monitoring of the safety of the waste management unit(s) under the supervision of a Professional Engineer?

The unit was designed by a Professional Engineer. The design drawings were stamped "Conforms to Construction Records" by Jack F. Daily, PE, Lutz, Daily & Brain.

Construction of the unit was monitored by a Professional Engineer. Wendell Hughes, PE, Lutz Daily & Brain provided construction oversight for the project and the unit was constructed under BPU Contract No. 75A.

The unit is constantly observed by plant operations and maintenance personnel. The unit is situated on an internal road travelled frequently each day by plant personnel. Concerns about the integrity of the landfill and dikes would be brought to the attention of management should they arise.

The unit is also inspected monthly for SPCC issues and quarterly for solid waste issues by KCBPU environmental personnel.

In addition, BPU has employed a professional trapper for about 10 years who performs an inspection at various areas of the plant, including the bottom ash pond. He routinely looks for evidence of muskrats and other animals that can bore into and damage containment dikes.

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 June 2008, Terracon, Inc., Lenexa, Kansas, inspected the integrity of the unit. A copy of their report is attached. The report states that, aside from wave action erosion, the stability of the dike embankment appears to be adequate. The report offers three possible approaches to addressing the erosion issues and KCBPU's 2009 Capital Budget already includes \$500,000.00 for this purpose. The work will be prepared under the supervision of a Professional Engineer and performed by a qualified contractor.

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.

Solid waste inspections are conducted at the unit annually by the Kansas Department of Health & Environment (KDHE). It is not known when or if State or Federal regulatory agencies have conducted safety evaluations on the 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 safety issues have been detected at the unit.

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8. What is the surface area (acres) and total storage capacity of each of the management unit(s)? What is the volume of materials currently stored in each of the management unit(s)? Please provide the date that the volume measurement(s) 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 permitted surface area of the unit is 6.6 acres. And the storage capacity of the unit is 200,000 cubic yards.

The estimated volume of material currently stored in the unit is approximately 107,282 cubic yards. The elevation measurements were taken by Story Surveyors, Inc., in January 2007, and recently revised to account for operations since the measurements.

The maximum height of the unit is approximately 21.5 feet.

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).

There have been no spills or unpermitted releases from the unit.

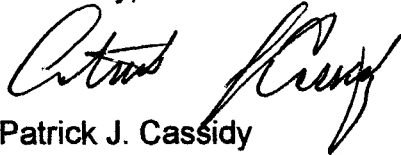
10. Please identify all current legal owner(s) and operator(s) at the facility.

The unit is operated by the KCBPU. KCBPU is a wholly-owned administrative agency of the Unified Government of Wyandotte County/Kansas City, Kansas.

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Thanks for your assistance. If you have further questions please call me at (913) 573-9856.

Sincerely,



Patrick J. Cassidy
Director Environmental Services

PJC:etal/pjc

Enclosures: Certification Statement
Terracon 2008 Inspection Report

C: D. Dorsey, J. Frick

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 the 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: Name: Patrick J. CassidyTitle: Director, Environmental

This request has been reviewed and approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C., 3501-3520.

Please send your reply to:

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

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

Mr. Richard Kinch
US Environmental Protection Agency
Two Potomac Yard
2733 S. Crystal Dr.
5th Floor; N-5783
Arlington, VA 22202 2733

EPA expects the owners and operators of these units to exercise the utmost care and diligence in examining whether there are any potential concerns at the units and to take appropriate actions to address them. We ask that this effort be a priority at the highest levels of your organization to ensure the protection of public health, safety, and the environment.