



Wyodak Plant
48 Wyodak Road
Gillette, WY 82718

March 30, 2009

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

Via Overnight Delivery

Re: Wyodak Power Station: Request for Information Under Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9604(e) dated March 9, 2009 and received on March 13, 2009

Dear Mr. Kinch,

This letter and the enclosed materials constitute the response of the Wyodak Power Station to the above Request for Information. Specifically, this letter and the enclosed materials provide the Wyodak Power Station's response "to each request for information set forth in the Enclosure [A], including all documents responsive to such request."

Although PacifiCorp, as operator of the Wyodak Power Station, intends to cooperate fully in responding to the Request for Information, this response is made subject to the objections and other exceptions as noted herein.

Moreover, PacifiCorp affirmatively asserts that the ten business day response deadline contained in the Request for Information is unrealistically short and does not reasonably reflect the type and volume of responsive information which EPA has requested, particularly when considering that PacifiCorp is required to provide similar responses at three other facilities at the same time. Therefore, PacifiCorp objects to this deadline and reserves the right to supplement this response after the 10 business day deadline with any materials that it was unable to gather and submit by the requested deadline.

PacifiCorp appreciates you agreeing by email dated March 17, 2009, that PacifiCorp can provide the Wyodak Power Station's response on March 30, 2009 at the same time PacifiCorp provides the responses for its three other power stations in Wyoming which received similar requests.

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.

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If you have any questions regarding this response, please direct them to Mr. Brett Shakespear at 801-220-2575 or at brett.shakespear@pacificorp.com. Legal inquires should be made to Mr. Michael Jenkins at 801-220-2233 or at michael.jenkins@pacificorp.com.

Sincerely,

A handwritten signature in cursive script that reads "Gary Harris".

Gary Harris
Managing Director
Wyodak Power Station

cc: Brett Shakespear,
Michael Jenkins
Bernadette Hinshaw

Response To Enclosure A

The term "Ash Pond" as used in this response means a two celled pond with a bottom ash cell and a clear water cell. The two cells are separated by an earthen berm with the water from the bottom ash pond flowing into the clear cell. EPA's Enclosure A requests are reproduced below in italics and separated within request numbers for ease of response. The responses below are offered without waiving any of the objections noted herein and in the cover letter.

Wyodak Power Station Response to Request No. 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"

NA

"Indicate who established the rating"

NA

"What the basis of the rating is"

NA

"What federal or state agency regulates the unit(s)"

No agency regulates the structural integrity of the Ash Pond.

"If the unit(s) does not have a rating, please note that fact"

The Ash Pond does not have a hazard rating.

Wyodak Power Station Response to Request No. 2

"What year was each management unit commissioned and expanded?"

The initial construction permit for the Ash Pond was issued in 1976 and work was completed on the Ash Pond by December 31, 1977.

The Ash Pond was expanded in 1989.

Wyodak Power Station Response to Request No. 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 following categories of materials have been placed in the Ash Pond: fly ash; bottom ash; boiler slag; flue gas emission control residuals; other.

The “other” category of materials consists of wastewater streams from Wyodak Power Station, and Black Hills Power, Inc. facilities including Neil Simpson I, Neil Simpson II, Wygen I, Wygen II, Combustion Turbine I, Combusting II, and the Wyodak Resource Mine. The materials placed in the pond are plant and yard stormwater runoff, plant drain effluent, fire protection system overflow, boiler blow down water, cooling tower water, boiler chemical clean rinse, wastewater treatment plant effluent, wash down water from ash silos, stormwater runoff from the reclaimed mine, and surface water runoff from the Peerless and Clovis Pits.

Wyodak Power Station Response to Request No. 4

“Was the management unit(s) designed by a Professional Engineer?”

Yes

“Is or was the construction of the waste management unit(s) under the supervision of a Professional Engineer?”

The construction of a 1989 expansion in the size of the Ash Pond was 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?”

No

Wyodak Power Station Response to Request No. 5

“When did the company last assess or evaluate the safety (i.e., structural integrity) of the management unit(s)?”

The last dike stability inspection occurred at the Ash Pond on April 17, 2006. In addition, the Wyodak Power Station arranged for an investigation on July 26, 2007 of the location and source of a leak in the divider dike within the Ash Pond that separates the ash disposal side of the pond from the clear well side of the pond.

“Briefly describe the credentials of those conducting the structural integrity assessments/evaluations.”

CER Professional Consultants of Gillette, Wyoming conducted the 2006 inspection. The inspector was a professional engineer. Water and Environmental Technologies of Butte, Montana conducted the 2007 inspection. The inspector was a professional geologist.

“Identify actions taken or planned by facility personnel as a result of these assessments or evaluations.”

No actions were planned or taken as a result of the 2006 inspection. As to the 2007 inspection, an existing drain tile present on the south side of the divider dike was thought to be plugged. An alternate design was prepared by Water and Environmental Technologies and installation of the new drain supervised by Water and Environmental Technologies. The design incorporated a geotextile filter fabric wrap around the trench to prevent plugging, a permeable layer that extends up the face of the dike to provide a bigger capture area, and a sloped collection trench to insure adequate drainage.

“If corrective actions were taken, briefly describe the credentials of those performing the corrective actions, whether they were company employees or contractors.”

See responses above.

“If the company plans an assessment or evaluation in the future, when is it expected to occur?”

An inspection of the Ash Pond is scheduled to occur in April 2009.

Wyodak Power Station Response to Request No. 6

“When did a State or a Federal regulatory official last inspect or evaluate the safety (structural integrity) of the management unit(s)?”

In October 2006, the Ash Pond was inspected by the Mine Safety and Health Administration in connection with the nearby Wyodak Resource Development Company’s coal mine. After that, the mine became inactive MSHA determined that it no longer had a need to assert jurisdiction over the Ash Pond.

“If you are aware of a planned state or federal inspection or evaluation in the future, when is it expected to occur?”

PacifiCorp is not aware of any planned state or federal inspections of the Ash Pond.

“Please identify the Federal or State regulatory agency or department which conducted or is planning the inspection or evaluation.”

See response above.

“Please provide a copy of the most recent official inspection report or evaluation”

See attachment.

Wyodak Power Station Response to Request No. 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)?”

No

“If so, describe the actions that have been or are being taken to deal with the issue or issues”

NA

“Please provide any documentation that you have for these actions.”

NA

Wyodak Power Station Response to Request No. 8

“What is the surface area (acres) and total storage capacity of each of the management units?”

The Ash Pond surface area is 15.5 acres.

The Ash Pond storage capacity is 320.2 acre-feet.

“What is the volume of material currently stored in each of the management unit(s)?”

The volume of material in the Ash Pond is approximately 238.1 acre-feet.

“Please provide the date that the volume measurement(s) was taken.”

Exact measurements were not taken. An estimate was made on September 2, 2008 and October 27, 2008.

“Please provide the maximum height of the management unit(s). The basis for determining maximum height is explained later in this Enclosure.”

The maximum height of the Ash Pond is thirty feet.

Wyodak Power Station Response to Request No. 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).”

No known spills or unpermitted releases have occurred in connection with the Ash Pond within the last ten years.

Wyodak Power Station Response to Request No. 10

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

The current legal owner(s) of the Wyodak Power Station are PacifiCorp and Black Hills Power, Inc. The current operator of the Wyodak Power Station is PacifiCorp.

Objections To Enclosure A

Wyodak Power Station Objections to the Introductory Paragraph of Enclosure A: PacifiCorp objects to the general request for information contained in the introductory paragraph of Enclosure A, including the information “requested below,” on the grounds that the request is outside the scope of EPA’s authority as contained in Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9604(e). Moreover, PacifiCorp objects to this general request because it contains undefined and ambiguous terms such as “surface impoundment” “similar diked or bermed management unit(s),” “landfills,” “liquid-borne material,” “storage or disposal,” “no longer receive,” “coal combustion residues,” “residuals or byproducts,” “residues or by-products” and “free liquids” and because some of these terms seem to be used interchangeably within the introductory paragraph and in other requests without an explanation of whether they are intended to have the same meaning.

Wyodak Power Station Objections to Request No. 1: PacifiCorp objects to Request No. 1 because it contains undefined and ambiguous terms such as “management unit” and “unit(s)” and because some or all of these terms seem to be used interchangeably within this request and in other requests without an explanation of whether they are intended to have the same meaning.

Wyodak Power Station Objections to Request No. 2: PacifiCorp objects to Request No. 2 because it contains undefined and ambiguous terms such as “management unit,” “unit(s),” “commissioned” and “expanded” and because some or all of these terms seem to be used interchangeably within this request and in other requests without an explanation of whether they are intended to have the same meaning.

Wyodak Power Station Objections to Request No. 3: PacifiCorp objects to Request No. 3 because it contains undefined and ambiguous terms such as “temporarily,” “permanently,” “management unit” and “unit(s)” and because some or all of these terms seem to be used interchangeably within this request and in other requests without an explanation of whether they are intended to have the same meaning.

Wyodak Power Station Objections to Request No. 4: PacifiCorp objects to Request No. 4 because it contains undefined and ambiguous terms such as “management unit(s),” “designed,” “construction,” “waste management unit(s),” “inspection,” and “monitoring” and because some or all of these terms seem to be used

interchangeably within this request and in other requests without an explanation of whether they are intended to have the same meaning.

Wyodak Power Station Objections to Request No. 5: PacifiCorp objects to Request No. 5 because it contains undefined and ambiguous terms such as “safety,” “structural integrity,” “management unit(s),” “assessments,” “evaluations,” “actions,” “corrective actions,” and because some or all of these terms seem to be used interchangeably within this request and in other requests without an explanation of whether they are intended to have the same meaning.

Wyodak Power Station Objections to Request No. 6: PacifiCorp objects to Request No. 6 because it contains undefined and ambiguous terms such as “official,” “safety,” “structural integrity,” “management unit(s),” “inspection,” “evaluation,” “actions,” “official inspection report,” and because some or all of these terms seem to be used interchangeably within this request and in other requests without an explanation of whether they are intended to have the same meaning.

Wyodak Power Station Objections to Request No. 7: PacifiCorp objects to Request No. 7 because it contains undefined and ambiguous terms such as “assessments,” “evaluations,” “inspections,” “officials,” “safety issue(s),” “management unit(s),” “actions,” and “deal with” and because some or all of these terms seem to be used interchangeably within this request and in other requests without an explanation of whether they are intended to have the same meaning.

Wyodak Power Station Objections to Request No. 8: PacifiCorp objects to Request No. 8 because it contains undefined and ambiguous terms such as “surface area (acres),” “total storage capacity,” “management units,” “volume,” “material,” “stored,” “volume measurements,” and “maximum height” and because some or all of these terms seem to be used interchangeably within this request and in other requests without an explanation of whether they are intended to have the same meaning.

Wyodak Power Station Objections to Request No. 9: PacifiCorp objects to Request No. 9 because it contains undefined and ambiguous terms such as “known spills,” “unpermitted releases,” “unit,” “surface water,” “land,” and “groundwater” and because some or all of these terms seem to be used interchangeably within this request and in other requests without an explanation of whether they are intended to have the same meaning.