

## COMMENTS

Comments received for CHA Draft Report (*December 17, 2009*, CHA Project No. 20085.1020.1510) for the Assessment of Dam Safety of Coal Combustion Surface Impoundments Allegheny Energy – R. Paul Smith Station, Williamsport, MD. Comments include;

- EPA comments - None;
- WV DEP comments received on January 7, 2010 and January 18, 2010; and
- Allegheny Energy comments received on January 26, 2010.



Final Report  
Assessment of Dam Safety of Coal Combustion Surface Impoundments  
Allegheny Energy – R. Paul Smith Station  
Williamsport, MD

**Comments Received from the EPA**  
**In Response to CHA Draft Report dated December 17, 2009**  
*None Received*

CHA Project No. 20085.1020.1510



Comments

EPA HQ – None.

EPA Region – None.

State –

From: "Long, Brian R" <Brian.R.Long@wv.gov>  
To: James Kohler/DC/USEPA/US@EPA, Rick Rogers/R3/USEPA/US@EPA, Carol Amend/R3/USEPA/US@EPA, Clark Conover/R3/USEPA/US@EPA, Martin Matlin/R3/USEPA/US@EPA, "Zeto, Michael A" <Michael.A.Zeto@wv.gov>, "Shriver, Delbert G" <Delbert.G.Shriver@wv.gov>  
Date: 01/18/2010 08:47 AM  
Subject: RE: Comment Request on EPA's Draft Coal Ash Impoundment Assessment Reports

Jim - Thank you for the opportunity to comment on the R. Paul Smith dams and the McElroys Run Dam in West Virginia. We will not comment on the draft reports due to WVDEP's continuing compliance effort at R. Paul Smith dams and the Satisfactory condition assessment for McElroys Run Dam from the Fly Ash Dam/Landfill Condition Evaluation Report issued by WVDEP in November 2009.

The WVDEP Orders regarding the R. Paul Smith dams are attached. Allegheny Energy agreed to repair the upstream slope of R. Paul Smith # 3 Dam (NID# WV00308) in accordance with a plan previously approved by WVDEP for the upstream embankment. WVDEP's January 7, 2010, approval letter for repair of the upstream slope is also attached.

If you have questions, please contact Mike Zeto, or me.

Brian Long, Program Manager  
WV Department of Environmental Protection  
Environmental Enforcement/Dam Safety  
601 57th Street SE  
Charleston, West Virginia 25304-2345  
(304) 926-0499 ext 1005  
fax: (304) 926-0478  
Email: brian.r.long@wv.gov  
<http://www.wvdep.org/ee/damsafety>

**Also see three (3) attached documents from West Virginia: two (2) dated November 20, 2009 and one (1) document from January 7, 2010.**

Company –

See attached document dated January 26, 2010.

Final Report  
Assessment of Dam Safety of Coal Combustion Surface Impoundments  
Allegheny Energy – R. Paul Smith Station  
Williamsport, MD

**Comments Received from WV DEP  
In Response to CHA Draft Report dated December 17, 2009**  
*Email dated January 18, 2010 and  
Letter dated January 7, 2010*

CHA Project No. 20085.1020.1510



## Comments

EPA HQ – None.

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State –

From: "Long, Brian R" <Brian.R.Long@wv.gov>  
To: James Kohler/DC/USEPA/US@EPA, Rick Rogers/R3/USEPA/US@EPA, Carol Amend/R3/USEPA/US@EPA, Clark Conover/R3/USEPA/US@EPA, Martin Matlin/R3/USEPA/US@EPA, "Zeto, Michael A" <Michael.A.Zeto@wv.gov>, "Shriver, Delbert G" <Delbert.G.Shriver@wv.gov>  
Date: 01/18/2010 08:47 AM  
Subject: RE: Comment Request on EPA's Draft Coal Ash Impoundment Assessment Reports

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The WVDEP Orders regarding the R. Paul Smith dams are attached. Allegheny Energy agreed to repair the upstream slope of R. Paul Smith # 3 Dam (NID# WV00308) in accordance with a plan previously approved by WVDEP for the upstream embankment. WVDEP's January 7, 2010, approval letter for repair of the upstream slope is also attached.

If you have questions, please contact Mike Zeto, or me.

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**Also see three (3) attached documents from West Virginia: two (2) dated November 20, 2009 and one (1) document from January 7, 2010.**

Company –

See attached document dated January 26, 2010.



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west virginia department of environmental protection

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Environmental Enforcement  
601 57<sup>th</sup> Street SE  
Charleston, West Virginia 25304  
Phone: (304) 926-0470 Fax: (304) 926-0488

Joe Manchin III, Governor  
Randy C. Huffman, Cabinet Secretary  
www.wvdep.org

January 7, 2010

Mr. Gary R. Haag  
Allegheny Energy Supply Company  
800 Cabin Hill Dr, Room C-109  
Greensburg, Pennsylvania 15601

Re: R. Paul Smith # 3 Dam, Falling Waters, Berkeley County, ID # 00308  
ORDER NO: DS2009-0021  
Approval of Upstream Slope Modification

Dear Mr. Haag:

The Environmental Enforcement Dam Safety program received your January 7, 2010, letter requesting approval to modify the upstream slope of the R. Paul Smith # 3 Dam as required by Order No. DS2009-0021. The letter includes a letter report from GAI Consultants dated June 28, 1999, and a plan view drawing.

The proposal to modify the upstream face is approved for implementation with the following provisions:

1. Construction of the modification shall conform with the submitted plan view drawing and configuration/specifications included in the June 28, 1999, letter report from GAI Consultants.
2. A pre-construction meeting is required to include EE/Dam Safety and Allegheny representatives. The enclosed Notification of Commencement of Construction should be submitted at your earliest convenience. Please contact Mr. Conrad Baston at (304) 368-3960 ext 3711 to schedule the pre-construction meeting.
3. The portion of the north dike termed A-A that is immediately adjacent to and abuts the proposed 2010 embankment modification shown on Attachment 1 will also be modified per the 1999 GAI letter report, if field conditions indicate that its interior slope is steeper than 3:1.
4. Upon completion of construction, a final joint inspection shall be conducted. At the final joint inspection, EE/Dam Safety will consider temporary commencement of waste disposal until as-built documents may be prepared and submitted by Allegheny. A Notification of Completion of Construction form is enclosed.

Mr. Gary R. Haag  
January 7, 2010  
Page 2

5. Allegheny shall submit as-built documentation of construction and certification within 90 days of the final joint inspection that the modification was accomplished in substantial conformance with the approved plans and specifications. A Construction Certification form is enclosed.
6. Following receipt and review of the above construction documentation, EE/Dam Safety may issue a letter of construction acceptance approving continued waste disposal in the reservoir.
7. An engineering inspection shall be conducted annually for three years after completion of the modification in accordance with the Dam Safety Rule (47CSR34-15.4.c.) and reported in accordance with Dam Safety Rule (47CSR34-15.5.a.).

All terms of Order No. DS2009-0021 remain in effect. This approval does not relieve the owner from requirements of other state or federal law. If you have any questions, please contact me at (304) 926-0499, ext 1005.

Sincerely,

A handwritten signature in blue ink that reads "Brian R. Long". The signature is written in a cursive style with a large initial "B".

Brian R. Long, Program Manager  
Dam Safety

Enclosures

cc: Conrad Baston, EE/Dam Safety

# DAM SAFETY RULE

47CSR34-8.1.a.

## NOTIFICATION OF COMMENCEMENT OF CONSTRUCTION

\_\_\_\_\_ Dam, ID # \_\_\_\_\_

I hereby notify the Dam Safety Section that the owner:

Intends to conduct a pre-construction meeting;

OR

Has already conducted a pre-construction meeting;

with Dam Safety, the project engineer, and the contractor regarding the commencement of construction or modification on \_\_\_\_\_, 20\_\_\_\_. Notification is also given that construction will commence on \_\_\_\_\_, 20\_\_\_\_.

### AUTHORIZED CONTACT PERSON NOTIFICATION

In accordance with 47CSR34-8.1.a.2. of the Dam Safety Rule, the name, address and telephone number(s) of the authorized contact person at the project area who is responsible for communicating with the Dam Safety Section and for receiving inspection reports and legal notifications is as follows:

Name \_\_\_\_\_

Title \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Telephone (Day) \_\_\_\_\_

Telephone (Night) \_\_\_\_\_

I understand that it is necessary to ensure that copies of the Certificate of Approval, approved plans and specifications, all outstanding notices and orders to comply, and the Monitoring and Emergency Action Plan must be available at the project area office in accordance with 47CSR34-8.1.c. of the Dam Safety Rule.

\_\_\_\_\_  
Dam Owner Signature

\_\_\_\_\_  
Date

Mail to: **Dam Safety Section**  
**2031 Pleasant Valley Rd, Suite 1**  
**Fairmont, WV 26554**  
FAX: **(304) 368-3953**

# DAM CONTROL AND SAFETY ACT

## CHAPTER 22 - ARTICLE 14 - SECTION 9

### NOTIFICATION OF COMPLETION OF CONSTRUCTION

In accordance with Section 9 of the Dam Control and Safety Act, I hereby notify the

Dam Safety Section that construction or modification of the \_\_\_\_\_

\_\_\_\_\_ Dam, ID # \_\_\_\_\_

was completed on this date.

I understand that it is necessary to conduct a final joint inspection with the Dam Safety Section prior to demobilization in accordance with the Dam Safety Rule: 47CSR34-8.3.b.

\_\_\_\_\_  
Dam Owner Signature

\_\_\_\_\_  
Date

Mail to: **Dam Safety Section**  
**601 57<sup>th</sup> Street SE**  
**Charleston, West Virginia 25304**

FAX: **(304) 926-0478**

# Dam Safety Rule

47CSR34-8.3.c.

## CONSTRUCTION CERTIFICATION

FOR THE

\_\_\_\_\_ Dam, ID # \_\_\_\_\_

Located at \_\_\_\_\_, \_\_\_\_\_ County, West Virginia.

As indicated below, I hereby certify that all construction of the above named dam was performed in substantial conformance with the drawings, specifications, and any modifications approved by the Dam Safety Section.

Check one:

- The original design drawings record the final configuration of the dam and its appurtenances. As-built drawings are not required.
- Two copies of as-built drawings recording the final configuration of the dam and its appurtenances are included with this certification.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Date

Mail to: **Dam Safety Section**  
**601 57<sup>th</sup> Street SE**  
**Charleston, WV 25304**



West Virginia Seal



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west virginia department of environmental protection

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Division of Water and Waste Management  
601 57<sup>th</sup> Street SE  
Charleston, West Virginia 25304  
Phone: (304) 926-0495  
Fax: (304) 926-0463

Joe Manchin III, Governor  
Randy C. Huffman, Cabinet Secretary  
www.wvdep.org

November 20, 2009

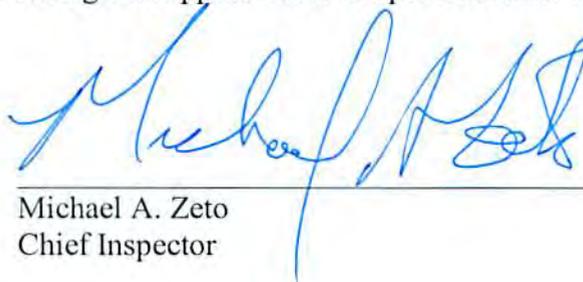
Mr. Gary R. Haag  
Allegheny Energy Supply Company  
800 Cabin Hill Dr, Room C-109  
Greensburg, Pennsylvania 15601

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
91 7108 2133 3936 1580 7007

Re: R. Paul Smith # 4 Dam, Falling Waters, Berkeley County, ID # 00305

Dear Mr. Haag:

Enclosed is Order Number DS2009-0020 dated the 20<sup>th</sup> day of November, 2009. This Order is issued to Allegheny Energy Supply Company by the director of the Division of Water and Waste Management under the authority of Chapter 22, Article 14 of the Code of West Virginia. This Order contains notification of the right of appeal under the provisions of Chapter 22, Article 14, Section 14.



Michael A. Zeto  
Chief Inspector

MAZ/brl  
Enclosures

cc: Scott G. Mandirola, Acting Director, DWWM (via email)  
Brian Long, EE/DS  
Conrad Baston, EE/DS  
Joseph M. Hickman, Assistant Chief Inspector, EE/WW (via email)  
Richard L. Pino, EE (via email)  
Robin Dolly, Environmental Inspector Supervisor, EE/WW (via email)  
Kanehl, Michael, Environmental Inspector, EE/WW (via email)



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west virginia department of environmental protection

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Division of Water and Waste Management  
601 57<sup>th</sup> Street SE  
Charleston, West Virginia 25304  
Phone: (304) 926-0495  
Fax: (304) 926-0463

Joe Manchin III, Governor  
Randy C. Huffman, Cabinet Secretary  
[www.wvdep.org](http://www.wvdep.org)

**ORDER  
ISSUED UNDER THE  
DAM CONTROL AND SAFETY ACT  
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 14**

TO: Mr. Gary R. Haag  
Allegheny Energy Supply Company  
800 Cabin Hill Dr, Room C-109  
Greensburg, Pennsylvania 15601

DATE: November 20, 2009  
ORDER NO: DS2009-0020

Re: R. Paul Smith # 4 Dam, Falling Waters, Berkeley County, ID # 00305

**INTRODUCTION**

The following findings are made and ORDER issued to Allegheny Energy Supply Company pursuant to the authority vested in the Director of the Division of Water and Waste Management under Chapter 22, Article 14, Section 1 et seq. of the Code of West Virginia.

**FINDINGS OF FACT**

In support of this Order, the Director hereby finds the following:

1. The R. Paul Smith # 4 Dam meets the height and storage requirements necessary to be defined as a "dam" in the Dam Control and Safety Act (Section 22-14-3(f)). As a result, the dam is subject to regulation under provisions of the Dam Control and Safety Act and the Dam Safety Rules (47CSR34).
2. Allegheny Energy Supply Company is the legal owner of the R. Paul Smith # 4 Dam.
3. Allegheny Energy Supply Company was issued a Certificate of Approval based, in part, upon an acceptable calculated factor of safety regarding embankment stability and low potential for reservoir failure into underground mines on October 3, 1997.
4. In compliance with Order No. DS2009-0009, Allegheny Energy Supply Company submitted inspection, historical stability analysis, and evaluation of potential for breakthrough into underground mines.
5. WVDEP terminated Order No. DS2009-0009 on June 17, 2009.

6. WVDEP Dam Safety review of available documentation determined the following deficiencies:
  - a. Maintenance of embankment slopes and clearing of trees and shrubs from the embankment and for a lateral distance of at least 25 feet from the abutments is necessary.
  - b. Additional analyses of slope stability are necessary to establish the factor of safety for embankment areas that were over excavated or are lacking liners.
  - c. Dam Safety's review of the upstream and downstream slopes of Sections A-A, B-B, C-C, and the upstream slope only of Section D-D, indicates that portions of the upstream and downstream slopes do not meet the required factors of safety for static and seismic loading conditions. Embankment loading conditions must be modeled as described under section 47CSR34-7.4.b.1.D.4 of the Dam Safety Rule with the pool elevation set at maximum design pool. The hypalon liner does not encompass the entire length of the upstream face of the dam. The phreatic line should be modeled accordingly based on the presence or absence of the liner. Section A-A and D-D models should reflect the presence or absence of the hypalon liner. Pending the results of the analysis it may be necessary to address potential failure in the maintenance plan or within an Emergency Action Plan.

#### **ORDER FOR COMPLIANCE**

And now, this 20<sup>th</sup> day of November, 2009, Allegheny Energy Supply Company is hereby ORDERED by the Director as follows:

1. By 4:30 pm on January 8, 2010, prepare and submit an updated maintenance plan to include maintenance of embankment slopes and clearing of trees and shrubs from the embankment and for a lateral distance of at least 25 feet from the abutments of the R. Paul Smith # 4 Dam. Clearing of vegetation must be completed by March 19, 2010.
2. By 4:30 pm on February 1, 2010, prepare and submit documentation of slope stability for Sections A-A, B-B, C-C, and the upstream slope only of Section D-D to reflect the current configuration of the dam and with loading conditions in accordance with 47CSR34-7.4.b.1.D.4 of the Dam Safety Rule.
3. If inadequate factors of safety are indicated by the documentation of slope stability as determined by Allegheny Energy Supply Company or WVDEP, an application for modification of the R. Paul Smith # 4 Dam shall be made within 90 days of this determination. The application shall include measures to be taken as necessary to achieve a factor of safety of 1.5 as required in the Dam Safety Rule (47CSR34-7.4.b.1.D.1.). The application must include all engineering plans, specifications and certifications as required by the Dam Safety Rules and be signed by an engineer licensed in West Virginia to address any inadequate factors of safety of the embankment as required in the Dam Safety Rule (47CSR34-7.4.b.1.D.1.).

### **OTHER PROVISIONS**

1. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving Allegheny Energy Supply Company of the obligation to comply with any applicable law, permit, other order, or any other requirement otherwise applicable. Violations of the terms and conditions of this Order may subject Allegheny Energy Supply Company to additional enforcement action in accordance with the applicable law.
2. The provisions of this Order are severable and should a court or board of competent jurisdiction declares any provisions to be invalid or unenforceable, all other provisions shall remain in full force and effect.
3. This Order is binding on Allegheny Energy Supply Company, its successors and assigns.
4. This Order shall terminate upon Allegheny Energy Supply Company's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.

### **RIGHT OF APPEAL**

In accordance with Section 14, Article 14, Chapter 22 of the Code of West Virginia, any person issued an order may file a notice of request for reconsideration with the secretary not more than seven days from the issuance of the order and shall have a hearing before the secretary contesting the terms and conditions of the order within ten days of the filing of the notice of a request for reconsideration. The filing of a notice of request for reconsideration does not stay or suspend the execution or enforcement of the order.

This Order shall become effective upon receipt.



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Scott G. Mandirola, Acting Director  
DIVISION OF WATER AND WASTE MANAGEMENT



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west virginia department of environmental protection

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Environmental Enforcement  
601 57<sup>th</sup> Street SE  
Charleston, West Virginia 25304  
Phone: (304) 926-0470 Fax: (304) 926-0488

Joe Manchin III, Governor  
Randy C. Huffman, Cabinet Secretary  
www.wvdep.org

January 7, 2010

Mr. Gary R. Haag  
Allegheny Energy Supply Company  
800 Cabin Hill Dr, Room C-109  
Greensburg, Pennsylvania 15601

Re: R. Paul Smith # 3 Dam, Falling Waters, Berkeley County, ID # 00308  
ORDER NO: DS2009-0021  
Approval of Upstream Slope Modification

Dear Mr. Haag:

The Environmental Enforcement Dam Safety program received your January 7, 2010, letter requesting approval to modify the upstream slope of the R. Paul Smith # 3 Dam as required by Order No. DS2009-0021. The letter includes a letter report from GAI Consultants dated June 28, 1999, and a plan view drawing.

The proposal to modify the upstream face is approved for implementation with the following provisions:

1. Construction of the modification shall conform with the submitted plan view drawing and configuration/specifications included in the June 28, 1999, letter report from GAI Consultants.
2. A pre-construction meeting is required to include EE/Dam Safety and Allegheny representatives. The enclosed Notification of Commencement of Construction should be submitted at your earliest convenience. Please contact Mr. Conrad Baston at (304) 368-3960 ext 3711 to schedule the pre-construction meeting.
3. The portion of the north dike termed A-A that is immediately adjacent to and abuts the proposed 2010 embankment modification shown on Attachment 1 will also be modified per the 1999 GAI letter report, if field conditions indicate that its interior slope is steeper than 3:1.
4. Upon completion of construction, a final joint inspection shall be conducted. At the final joint inspection, EE/Dam Safety will consider temporary commencement of waste disposal until as-built documents may be prepared and submitted by Allegheny. A Notification of Completion of Construction form is enclosed.

Mr. Gary R. Haag  
January 7, 2010  
Page 2

5. Allegheny shall submit as-built documentation of construction and certification within 90 days of the final joint inspection that the modification was accomplished in substantial conformance with the approved plans and specifications. A Construction Certification form is enclosed.
6. Following receipt and review of the above construction documentation, EE/Dam Safety may issue a letter of construction acceptance approving continued waste disposal in the reservoir.
7. An engineering inspection shall be conducted annually for three years after completion of the modification in accordance with the Dam Safety Rule (47CSR34-15.4.c.) and reported in accordance with Dam Safety Rule (47CSR34-15.5.a.).

All terms of Order No. DS2009-0021 remain in effect. This approval does not relieve the owner from requirements of other state or federal law. If you have any questions, please contact me at (304) 926-0499, ext 1005.

Sincerely,

A handwritten signature in blue ink that reads "Brian R. Long". The signature is written in a cursive style with a large initial "B".

Brian R. Long, Program Manager  
Dam Safety

Enclosures

cc: Conrad Baston, EE/Dam Safety

# DAM SAFETY RULE

47CSR34-8.1.a.

## NOTIFICATION OF COMMENCEMENT OF CONSTRUCTION

\_\_\_\_\_ Dam, ID # \_\_\_\_\_

I hereby notify the Dam Safety Section that the owner:

Intends to conduct a pre-construction meeting;

OR

Has already conducted a pre-construction meeting;

with Dam Safety, the project engineer, and the contractor regarding the commencement of construction or modification on \_\_\_\_\_, 20\_\_\_\_. Notification is also given that construction will commence on \_\_\_\_\_, 20\_\_\_\_.

### AUTHORIZED CONTACT PERSON NOTIFICATION

In accordance with 47CSR34-8.1.a.2. of the Dam Safety Rule, the name, address and telephone number(s) of the authorized contact person at the project area who is responsible for communicating with the Dam Safety Section and for receiving inspection reports and legal notifications is as follows:

Name \_\_\_\_\_

Title \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Telephone (Day) \_\_\_\_\_

Telephone (Night) \_\_\_\_\_

I understand that it is necessary to ensure that copies of the Certificate of Approval, approved plans and specifications, all outstanding notices and orders to comply, and the Monitoring and Emergency Action Plan must be available at the project area office in accordance with 47CSR34-8.1.c. of the Dam Safety Rule.

\_\_\_\_\_  
Dam Owner Signature

\_\_\_\_\_  
Date

Mail to: **Dam Safety Section**  
**2031 Pleasant Valley Rd, Suite 1**  
**Fairmont, WV 26554**  
FAX: **(304) 368-3953**

# DAM CONTROL AND SAFETY ACT

## CHAPTER 22 - ARTICLE 14 - SECTION 9

### NOTIFICATION OF COMPLETION OF CONSTRUCTION

In accordance with Section 9 of the Dam Control and Safety Act, I hereby notify the

Dam Safety Section that construction or modification of the \_\_\_\_\_

\_\_\_\_\_ Dam, ID # \_\_\_\_\_

was completed on this date.

I understand that it is necessary to conduct a final joint inspection with the Dam Safety Section prior to demobilization in accordance with the Dam Safety Rule: 47CSR34-8.3.b.

\_\_\_\_\_  
Dam Owner Signature

\_\_\_\_\_  
Date

Mail to: **Dam Safety Section**  
**601 57<sup>th</sup> Street SE**  
**Charleston, West Virginia 25304**

FAX: **(304) 926-0478**

# Dam Safety Rule

47CSR34-8.3.c.

## CONSTRUCTION CERTIFICATION

FOR THE

\_\_\_\_\_ Dam, ID # \_\_\_\_\_

Located at \_\_\_\_\_, \_\_\_\_\_ County, West Virginia.

As indicated below, I hereby certify that all construction of the above named dam was performed in substantial conformance with the drawings, specifications, and any modifications approved by the Dam Safety Section.

Check one:

- The original design drawings record the final configuration of the dam and its appurtenances. As-built drawings are not required.
- Two copies of as-built drawings recording the final configuration of the dam and its appurtenances are included with this certification.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Date

Mail to: **Dam Safety Section**  
**601 57<sup>th</sup> Street SE**  
**Charleston, WV 25304**



West Virginia Seal

Final Report  
Assessment of Dam Safety of Coal Combustion Surface Impoundments  
Allegheny Energy – R. Paul Smith Station  
Williamsport, MD

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**In Response to CHA Draft Report dated December 17, 2009**  
*Comments Received January 26, 2010*

CHA Project No. 20085.1020.1510



## Comments

EPA HQ – None.

EPA Region – None.

State –

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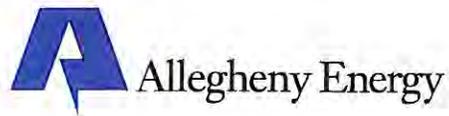
If you have questions, please contact Mike Zeto, or me.

Brian Long, Program Manager  
WV Department of Environmental Protection  
Environmental Enforcement/Dam Safety  
601 57th Street SE  
Charleston, West Virginia 25304-2345  
(304) 926-0499 ext 1005  
fax: (304) 926-0478  
Email: brian.r.long@wv.gov  
<http://www.wvdep.org/ee/damsafety>

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Company –

See attached document dated January 26, 2010.



Environment, Health & Safety

800 Cabin Hill Drive  
Greensburg, PA 15601

**FEDEX and EMAIL**

January 26, 2010

Mr. Stephen Hoffman  
US Environmental Protection Agency  
Two Potomac Yard  
2733 S. Crystal Yard  
5<sup>th</sup> Floor: N-56  
Arlington, VA 22202-2733  
Hoffman.stephen@epa.gov

Dear Mr. Hoffman:

**R. PAUL SMITH POWER STATION  
WILLIAMSPORT, MD  
LAGOON DAM #3 AND LAGOON DAM #4  
LOCATED IN BERKELEY COUNTY, WV  
ALLEGHENY ENERGY SUPPLY COMPANY, LLC  
COMMENTS TO THE ASSESSEMENT OF DAM SAFETY COAL  
COMBUSTION SURFACE IMPOUNDMENTS DRAFT REPORT**

Allegheny Energy Service Corporation as an agent for Allegheny Energy Supply Company, LLC (Allegheny Energy) is responding with their comments on the Draft Report of the Assessment of the Dam Safety Coal Combustion Surface Impoundments for the R. Paul Smith Power Station.

Allegheny Energy thanks the Environmental Protection Agency (EPA) and their subcontractor, CHA for performing an independent inspection of the Lagoon Dam #3 (Pond 3) and Lagoon Dam #4 (Pond 4) at the R. Paul Smith Power Station, and we welcome your comments to improve the reliability of the facilities. We were pleased that you found the facilities in "Satisfactory" condition indicating that they are anticipated to function acceptably under all loading criteria.

In reviewing the draft report dated December 17, 2009, we found some minor errors and misinformation. We offer the following comments, suggestion, and corrections to the draft report.

Mr. Stephen Hoffman  
US Environmental Protection Agency  
Page 2

1. Page 8, Photo – Site Plan
  - a. Google Maps have incorrectly identified the following three roads. However, Mapquest have the roads correctly identified.
    - i. “Moltz Dr.” is actually Smaltz Drive.
    - ii. “Lockwood Road” is not the actual truck delivery entrance to R. Paul Smith Power Station. That road is unnamed.
    - iii. “Ripple Way” is not actually the lower ash site access road. That road is unnamed as well.
2. Page 18, Section 2.3.2, 4<sup>th</sup> sentence, “The decant structure discharges beneath the south dike...”, should read “...beneath the east dike”
3. Page 18, Section 2.4, 2<sup>nd</sup> sentence, “These piezometers are of unknown age,” Should read “The piezometers were installed in November 1997 and were read in 2009....” The piezometers were drilled between November 19 and November 22, 1997. The piezometer installation occurred during the time period when the outlet riser on Pond 4 was replaced.
4. Page 47 to 49, Section 3.2.3, is a discussion of the flood history of the adjacent Potomac River that contains some misinformation. The following is information based on Page 6 of the March 30, 1978 GAI Report that was referenced in the GAI letter of March 13, 2009:
  - a. The highest recorded flood in the area reached elevation 377.6 feet during the 1936 flood.
  - b. The Agnes flood in June 1972 reached approximate elevation 365 feet.

Pond 3 had been inactive for several years, and the crest elevation of the Pond 3 dikes was raised to elevation 380 in 1980 before the dam was returned to service.

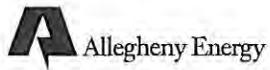
The 1936 flood was larger than a 100-year event. Unfortunately, the GAI report dated March 13, 2009 incorrectly reported at the top of Page 2 that the high water mark of the Potomac River occurred with flood associated with Hurricane Agnes, instead of during the 1936 flood.

Please reevaluate and revise section 3.2.3 using the corrected information provide herein.

5. Page 53, Section 3.3.1, 1<sup>st</sup> sentence “There are inactive piezometers on the Ash Pond #4 dikes that were installed in 1980.” Should be corrected to “... in November 1997.”

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6. Page 67, Section 4.2, Upstream Slopes. The following are being implemented:
  - a. The repairs of the over excavated portion of the upstream slope of the east dike of Pond 3 are underway at this time and will be completed in February. The over excavated zone is being backfilled in thin lifts with well compacted shale under the monitoring and testing of a local geotechnical firm and with periodic observation by WVDEP – Dam Safety personnel.
  - b. The plans for construction of the upstream fly ash buttress in Pond 4 include specific provisions for detailed survey monitoring before and after pond cleanouts to verify that the buttress geometry is maintained correctly. In addition, signs are to be posted visually showing the cleanout contractor’s equipment operators the cross section of the required finished geometry of the dike after cleanout. Station personnel will supervise the entire operation so that the cleanouts are completed to the correct geometry.
  - c. Also, Allegheny Energy recently submitted revised Maintenance Plans to WVDEP – Dam Safety that include these monitoring requirements.
  
7. Page 68, Section 4.3, Downstream Slopes of Ash Pond #4.
  - a. Allegheny Energy will consider establishing survey monitoring points in the slope.
  - b. The recommended removal of brush and trees is in progress and will be completed by the end of February.
  - c. Also, Allegheny Energy recently submitted revised Maintenance Plans to WVDEP – Dam Safety that include discussion on much brush and trees are to be removed from the upstream and downstream slopes as well as from the toe area.
  
8. Page 68, Section 4.4, Tree Removal on Ash Pond #3 Buttress.
  - a. The recommended tree removal has been completed.
  - b. Also, Allegheny Energy recently submitted revised Maintenance Plans to WVDEP – Dam Safety that include discussion on much brush and trees are to be removed from the upstream and downstream slopes as well as from the toe area.
  
9. Page 69, Section 4.5, Monitoring Instrumentation. Piezometer installation will be considered for installation in the dikes of Pond 3.
  
10. Page 69, Section 4.6, Evaluation of Conditions from Potomac River Flooding. With the corrected and supplemental information provided above for Section 3.2.3, Page 47 to 49, please consider the elimination of Section 4.6, which no longer appears necessary.



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We appreciate the opportunity to comment on the draft report and will be pleased to answer any questions regarding this information. Should you have any questions or require any additional information, please contact Gary Haag, P.E. (724) 830-5459.

Sincerely,

A handwritten signature in black ink that reads 'Daniel C. McIntire'.

Daniel C. McIntire  
Vice President, Generation Operations

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