

Comments on Coletto Creek Power Station

EPA: None

State: None

Company: See attached letter dated October 25, 2010.



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October 25, 2010

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

RE: Coletto Creek Power, L.P. Comments Regarding the Draft CDM Report "Assessment of Dam Safety of Coal Combustion Surface Impoundments" Dated August 4, 2010

Dear Mr. Hoffman,

Coletto Creek Power, L.P. (Coletto Creek Power) has completed our review of the above report. Coletto Creek Power requests a response from USEPA regarding revision of the POOR condition ranking after the several items noted by the consultant in Section 4.5 are addressed. In order to address those items, Coletto Creek has scheduled an engineering assessment planned/budgeted for the first quarter of 2011 in conjunction with the already scheduled assessment of the main dam. Additionally, please note the following substantive comments and concerns identified below:

- 1.) Section 4.3 – Coletto Creek Power agrees with the CDM report that vegetation should be controlled. Historically, Coletto Creek Power has inspected the impoundments (including observation of the vegetation) daily as part of routine rounds and if repairs were needed a work order was written and the repairs completed. Note that native south Texas vegetation (clump grasses or bunch grasses) is utilized to maintain dike stability and fails to thrive if mowed regularly and too closely. Therefore, the need for mowing and vegetation management is infrequent and difficult to predict. However, as a result of the CDM report Coletto Creek Power has implemented a more formal vegetation management program. Assessment of vegetation on the impoundments is conducted concurrently with semi-annual monitoring well sampling. Additionally, the remaining two quarters will have an inspection performed by competent staff including vegetation inspection and impoundment integrity. Work orders resulting from the above inspections are generated as needed. In the draft CDM report, there is no mention of the existing vegetation management program and insinuates there is not currently any vegetation management at Coletto Creek. Coletto Creek Power requests the CDM report be revised to include the above information.
- 2.) Section 4.5 – As mentioned in the opening paragraph of this letter, USEPA should note that the plant has scheduled a Professional Engineer (PE) from a consulting firm to address the seven recommendations and/or exclusions noted in this section. The PE is planned/budgeted to visit the site during the first quarter of 2011, in conjunction with the already scheduled assessment of the main dam.
- 3.) Section 4.6 – No justification is provided for the recommendation to perform quarterly water level readings for the monitoring wells. Additionally, no justification is provided for increasing the



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- number of monitoring wells. The Texas Commission on Environmental Quality (TCEQ) has approved the plant Groundwater Monitoring Plan which documents the existing monitoring wells as adequate and sampling every six months as adequate for characterizing the site. Based upon the semi-annual trend analysis provided to CDM there is no objective evidence that additional granularity would provide value. The PE review mentioned in Section 2 above will consider whether an increase in monitoring well readings is advisable. Therefore, Coletto Creek Power requests that the recommendations to increase monitoring well readings and the number of monitoring wells monitored be removed from CDM's report.
- 4.) Section 4.7 – Coletto Creek Power seeks to always operate in full compliance with state and federal regulations. The seepage areas have been inspected and evaluated by the TCEQ and USEPA Region 6 and no permit compliance problems have been identified. The plant will continue to monitor as recommended in Section 4.8 and will continue to respond according to changes observed. The comment in Section 4.7 of the CDM report regarding permit compliance should be removed.
 - 5.) Section 4.8 – As mentioned above, Coletto Creek Power has scheduled an evaluation by a PE for the first quarter of 2011 (in conjunction with the main dam inspection) and believes it appropriate to include that information in this section of the CDM report or hold the report in draft status until the PE evaluation can be completed. The TCEQ dam inspection form used by the site does not include a requirement for a sketch and captures the data intended by CDM's recommendation without the need for sketches. Therefore, Coletto Creek Power requests the recommendation to include sketches as part of the periodic inspection process be removed from the report.
 - 6.) Section 4.9 – a.) The CDM report states that no stoplogs were observed at the inlet structure in the Primary Ash Pond. The stoplogs are stored out of the weather to prevent damage and are immediately available if needed. b.) The report also recommends that a life preservation device be installed at the inlet structure, and one has been staged there since the time of the site visit. c.) The CDM report recommends that a formal, detailed operations and maintenance manual be developed. The system is operated following initial design and commissioning and additional formal procedures for the simple impoundment system is onerous and presents undue burden. Coletto Creek Power requests the removal of the recommendation to develop a formal operations and maintenance manual from the report. d.) Finally, the CDM report recommends the development of a formal emergency action plan (EAP) for the impoundments. Coletto Creek Power believes an impoundment-specific EAP would be redundant with the existing plant-wide EAP and therefore unnecessary. Any emergency impoundment failure would be addressed like all emergencies at the site, by following the existing site EAP which includes roles and responsibilities. Any event would be unique and require case-by-case management rendering detailed planning a valueless endeavour. Coletto Creek Power requests the removal of the recommendation to develop and implement an impoundment-specific EAP from the report.

Also please note the following administrative comments:



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- 1.) Section 1.1 – The plant is outside the city limits of Fannin, Texas. The report incorrectly states the plant is “within the Town of Fannin.”
- 2.) Section 1.4.1 – The second paragraph does not correctly identify the major creeks that were impounded to create the reservoir. Perdido Creek, Turkey Creek, Sulphur Creek, and Coletto Creek were impounded.
- 3.) Section 2.2.1 – Please clarify whether the flow rates stated in this section are instantaneous or an average, and how the flow rates were estimated.
- 4.) Section 2.2.3 – This last paragraph in this section states that where Boral Material Technology has placed excess fly ash and bottom ash “No riprap erosion protection was present in these areas.” The riprap is under the ash so the banks do have riprap erosion protection.

Coletto Creek Power believes the impoundments at the site are in good condition and are constructed, maintained, and operated as per initial design and intent. As such, the designation of POOR is not warranted. Coletto Creek Power understands that the POOR rating is based primarily on the data that may be gathered by performing the analyses recommended in Section 4.5 of the CDM report. The requested analyses were not required at the time of the construction of the dam and are not currently a requirement. Coletto Creek Power will make reasonable efforts to obtain this data, specifically by engaging a PE to perform the analyses, as mentioned above. Reasonable efforts will be made to back calculate the data but there may be some limitations to applying new build design specs to a dam that was constructed approximately 30 years ago. In the interim, as Coletto Creek Power attempts to perform the analyses, the CDM report should be revised to either not have a rating based on lack of data or a “low-risk” (or similar) rating with a qualifier that some data was not available. Alternatively, the report should not be issued as final until Coletto Creek Power is given the opportunity to provide the data, if possible. Please inform us of the process to provide that data to either prevent or revise the POOR designation, noting that any designation should be based on requirements in place at the time of construction.

We appreciate the opportunity to review and provide comment and look forward to working with you to resolve the above issues. Please feel free to contact me at (361) 788-5100 or at rstevens@ipr-us.com.

A handwritten signature in black ink that reads "Robert Stevens".

Robert Stevens
Plant Manager

Certified Mail Receipt No. 7007 2560 0000 5153 6711

Cc: David Musselman – IPA General Counsel
Rick Woryk – IPA VP of Operations
Kevin Cahill – IPA HSE Director
Bill Steinhauser – IPA HSE Manager