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

SEP 15 2009

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

VIA E-MAIL AND FEDERAL EXPRESS

Mr. Charles Huling
Vice President, Environmental Affairs
Georgia Power
241 Ralph McGill Blvd., N.E. 22nd Floor, bin 10221
Atlanta, Georgia 30308-3374

Dear Mr. Huling,

On May 26-27, 2009 the United States Environmental Protection Agency ("EPA") and its engineering contractors conducted a site assessment of the Main ash pond, the Main dike and the North Dike at the Bowen facility. The purpose of this visit was to assess the structural stability of the impoundments or other similar management units that contain "wet" handled coal combustion residuals (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 Bowen 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 Bowen 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 Bowen facility. These recommendations are found on pages 44-45 in the final assessment report and 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 within 14 calendar days of receipt of this letter. 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 of 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 non-CBI portions of 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

4.2 Hydrologic and Hydraulic Recommendations

CHA recommends that the hydrology of the site be evaluated and operating procedures developed for a larger storm than the 10-year storm, which can be stored with no discharge in the recycle pond. Even though the basin is no longer used for wet ash storage, inundation from storm water runoff and/or breach of wet ash or gypsum ponds is contained within the original impoundment could result in overtopping of the main dikes resulting in embankment failure and a subsequent release of ash. Best Management Practice should be used to consider a reasonable design storm in combination with Georgia Power's tolerance for risk of this type of event occurring.

4.3 Stability Recommendations

Two stability conditions evaluated by Southern Company produce lower bound factors of safety. The first is under seismic loading, the factor of safety for the main embankment ranges from 0.99 to 1.1 for events ranging from 2% to 10% chance for exceedance in 50 years. The other condition is a Southern Company defined condition of uplift and reduced strength from a seismic event occurring at about the same time, which is a reasonable consideration for the site specific conditions.

CHA recommends that immediately following seismic events resulting in 25% of the peak ground acceleration for a 500-year earthquake (i.e., 10% chance for exceedance in 50 years), Southern Company perform a site inspection and thorough review of instrumentation data in anticipation of changing conditions within the karst terrain.

4.4 Inspection Recommendations

CHA recommends that Georgia Power and Southern Company continue the piezometer monitoring and inspections that have been implemented for the Ash Pond. This type of inspection allows for proactive responses to developing situations, which can reduce the risk of damaging releases or failures from occurring.