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

SEP 14 2009

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

VIA E-MAIL AND FEDERAL EXPRESS

Mr. Matthew Bowden,
Vice President Environmental Affairs
Alabama Power
600 North Eighteenth Street,
Birmingham, Alabama 35203

Dear Mr. Bowden,

On June 9-10, 2009, the United States Environmental Protection Agency ("EPA") and its engineering contractors conducted a site assessment of the Rattlesnake Dam and Gypsum Ponds at the Gorgas 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 Gorgas and requested that you submit comments on the factual accuracy of the draft report to EPA. We have received your comments and have considered them, as appropriate in the preparation of the final report .

The final report for Gorgas 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 Gorgas. These recommendations are found on pages 18-19 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.

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 portion 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

Enclosure 2
Gorgas Recommendations

4.1 Recommendation No. 1

It is recommended that the visual inspections performed by site personnel be formalized in a monthly monitoring program. The program should consist of visual observation of slope conditions, general maintenance items such as vegetation control, and changes/appearances of seepage flow for both Rattlesnake Dam and the Gypsum Ponds and should include observations of any changes in depth, area, or other conditions of the toe pool and of changes in the volume of seepage at the existing seep in Rattlesnake Dam. A simple log sheet should be developed to facilitate easy reference and availability of the information for any future inspections, improvements, or remediations.

Schedule: Summer 2009

4.2 Recommendation No. 2

In conjunction with Recommendation No. 1, the existing weir box at the toe of the downstream slope of Rattlesnake Dam should be cleaned out and repositioned, or replaced with a larger weir if necessary, to collect the seepage flow along the downstream toe observed at the time of inspection. As much of the seepage currently visible should be collected as possible and the small ditch creating the current flow path should be keep as clear as possible to facilitate observations of changes in volume, turbidity, or location of new seeps. Such information, along with the flow measured at the box should be recorded as a part of Recommendation No. 1, so that seepage trends can be established and reviewed easily. In the event of increased seepage flows, the installation of additional instrumentation and a more involved monitoring program may be warranted.

Schedule: In conjunction with Recommendation No. 1.

4.3 Recommendation No. 3

It is recommended that cracks in the RCC facing block of Rattlesnake Dam be monitored as they develop, and that remedial measures such as caulking or grouting be considered to treat the cracks if they are deemed a risk to the embankment materials during normal conditions or high pool events.

Schedule: Concurrent with Annual Inspections.

4.4 Recommendation No. 4

It is recommended that the slopes between the gypsum storage cell and the clarification basins be reseeded or otherwise provided with good vegetative cover to prevent excessive raveling of the slopes. It is our understanding that APC has a plan in place to restore and establish cover on the slopes in the near future.

Schedule: According to existing plans.

4.5 Recommendation No. 5

It is recommended that efforts to control vegetation in the rockfill slopes and within 20 feet of the downstream toe of Rattlesnake Dam be continued as indicated in the last annual Inspection Report.

Schedule: Per the recommendations of the 2008 Report of Annual Dam Safety Inspection.