

US EPA ARCHIVE DOCUMENT



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

January 7, 2011

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

VIA E-MAIL AND FEDERAL EXPRESS

Mr. Ed M. Sullivan
Duke Energy Corporation
526 South Church Street
Charlotte, North Carolina 28202

Dear Mr. Sullivan,

On April 28-29, 2010 the United States Environmental Protection Agency ("EPA") and its engineering contractors conducted a coal combustion residual (CCR) site assessment at the WH Zimmer Generating Station. The purpose of this visit was to assess the structural stability of the impoundments or other similar management units that contain "wet" handled 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 WH Zimmer Generating Station 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 WH Zimmer Generating Station 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 WH Zimmer Generating Station. These recommendations 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 by February 7, 2011. 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 or 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

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 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.

Please be advised that providing false, fictitious, or fraudulent statements of representation may subject you to criminal penalties under 18 U.S.C. § 1001.

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,
/Suzanne Rudzinski/, Director
Office of Resource Conservation and Recovery

Enclosures

Enclosure 2
WH Zimmer Generating Station Recommendations

Based on the findings of our visual inspection and review of the available records for the Wastewater Pond Complex, O'Brien & Gere recommends that additional maintenance of the embankments be performed to correct the erosion, drainage, and other miscellaneous deficiencies cited above.

6.1 URGENT ACTION ITEMS

None of the recommendations are considered to be urgent, since the issues noted above do not appear to threaten the structural integrity of the dam in the near term.

6.2 REPAIRS/LONG TERM IMPROVEMENT

The following minor repairs should be undertaken:

- Filling of noted rodent burrows and elimination/relocation of rodents

The following long term improvements should also be completed:

- Regrading to promote positive drainage of wet areas along the outboard toe of the west embankment and western portion of north embankment.

6.3 MONITORING AND FUTURE INSPECTION

The following items should be monitored more closely and in the event their condition is observed to worsen, immediate action to remedy to situation should be taken:

- Scarping/wave erosion in Wastewater and Clear Water Ponds
- Non-uniform slope at the north end of the east embankment
- Erosion on secondary access road on north embankment

O'Brien & Gere recommends that Duke Energy continue with its current schedule of weekly inspection and annual third party inspections. O'Brien & Gere also recommends that Duke Energy continue its current practice of regular mowing to manage vegetative growth on the embankment slopes to prevent the growth of woody vegetation, prevent erosion, and facilitate inspection. Consideration should be given to placing rip rap or similar measures to prevent further erosion of the inboard slopes of the embankments at the normal operating water levels.

In addition, consideration should be given to updating the original slope stability analyses to include all applicable loading conditions and to meet current dam safety standards. While the site is located in an area of relatively low seismic risk, seismic loading should be one of the loading conditions evaluated.

6.4 TIME FRAME FOR COMPLETION OF REPAIRS/IMPROVEMENTS

O'Brien & Gere recommends that the minor repairs noted in Section 6.2 above be completed by the end of calendar year 2010.

O'Brien & Gere also recommends that the long term improvements noted in Section 6.2 above be completed by the end of calendar year 2011. Should the wet areas along the toe return upon completion of regrading, further investigation may be necessary to verify if seepage is an issue.