

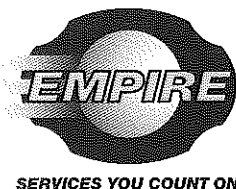
US EPA ARCHIVE DOCUMENT

Comments

EPA: Checklist hazard potential ratings do not match the stated ratings in the report. The report says only the Lower Pond has a significant hazard potential rating, while the Upper and South Ponds are rated low. The checklists indicate all ponds are rated significant. Clarify/correct.

State: None

Company: See letter dated February 22, 2011.



February 22, 2011

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

RE: DRAFT – Specific Site Assessment for Coal Combustion Waste Impoundments at Empire District Electric Company Asbury Power Station, Asbury, Missouri

Mr. Hoffman:

The Empire District Electric Company (Empire District) acknowledges receipt of the above document on January 24, 2011 and appreciates the timely opportunity to provide comment on the report. The scope of work performed by the GEI Consultants, Inc. (GEI), as a contractor to the U.S Environmental Protection Agency (EPA) for the site specific assessment, was very professional in its documentation of the site background information, overview of plant operations, and site observations. The recommendations provided in the report are concise and will be helpful in the development of Empire District's plan to perform additional engineering studies to assure the safe storage of coal combustion waste at the Asbury Power Station.

Comments on Assigned Ratings:

Empire District disagrees with the limited tiered structure of the assessment process and subsequent "*Poor*" overall rating given to the Asbury Power Station site. It is understood however; that the lower rating is due primarily to the absence of specific internal geotechnical documents and other studies that were not available at the time of the site inspection.

Empire District disagrees with the final "*significant hazard potential*" rating applied to all three of the rated impoundments. The written text evaluation submitted by GEI in Section 4.3 (Upper Pond) and Section 4.4 (South Pond) recommended that a "*Low*" hazard potential be assigned to these two perimeter embankments. This assessment was also repeated in Section 12.5 (Summary). Only the Lower Pond, by the fact of its boundary location and absence of analysis, was recommended in the report to be assigned a "*significant hazard potential*." The final report should be corrected to resolve the discrepancy on the final EPA Coal Combustion Waste (CCW) Inspection forms regarding the hazard potential rating for the upper and south ponds.

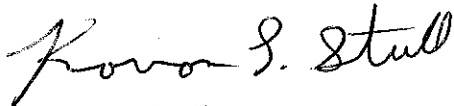
Minor Corrections and Additions to the Assessment Report:

On page 10, Section 4.2 of the draft report reference is made to the Missouri dam safety regulations. The Asbury Power Station is not regulated by the Missouri Department of Natural Resources (MDNR) Dam and Reservoir Safety Program. Dams less than 35 feet in height are not subject to the state permit and inspection requirements. References to the MDNR program should be removed from the final report.

On page 22, Section 10.3 the draft report describes surveillance activities as only patrolled "once daily." Under the direction of Asbury plant supervisory staff, the coal combustion waste impoundments inspection frequency is appropriately increased during heavy precipitation events. It is requested this clarification on the inspection frequency be added to this section of the final report.

Thank you for making the draft report easily accessible for our review and comment. Please let me know if you have any questions or information requests that I may assist you with.

Respectfully,

A handwritten signature in cursive script, reading "Kavan L. Stull".

Kavan L. Stull
Environmental Coordinator, Energy Supply Services
The Empire District Electric Company