

Ledbetter, Kevin

From: Kennedy, Susan Butler [SKENNEDY@southernco.com]
Sent: Friday, July 09, 2010 12:56 PM
To: Ledbetter, Kevin
Subject: Draft comments on Scholz

Hi Kevin,
This is what we have so far:

GULF POWER DRAFT COMMENTS ON THE SCHOLZ NPDES PERMIT #FL0002283 CONDITIONS VIII.C - VIII.E.

1. Page 18, Condition VIII.C.1. This draft condition provides that "All impoundments used to hold or treat wastewater and other associated wastes shall be designed, constructed, operated and maintained to prevent the discharge of pollutants to waters of the State, except as authorized under this permit." Condition IX.7. states, "The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of the permit... [62-620.610(7).]" Condition IX.7. is applicable to the impoundment at the facility and is more appropriate because it is actually based on existing Department rules. Condition VII.C.1. is not. Therefore, Gulf Power requests that Condition VII.C.1. be removed in its entirety.
2. Page 18, Condition VIII.C.2. This draft condition provides that, "Design, construction, operation and maintenance of any impoundment shall be in accordance with all relevant State and Federal regulations..." Gulf Power is not presently aware of any directly applicable or relevant State of Florida or Federal regulations governing the design, construction, operation and maintenance of this facility's impoundment. Similarly, this draft condition also references that the impoundment is to be "permitted and inspected by the appropriate agency." Gulf Power is not aware of any laws or rules indicating the identity of the agency that would inspect or permit the impoundment. Finally, Gulf Power also questions the need for a "qualified, Florida-registered professional engineer" to certify the impoundment. Based on these comments, Gulf Power requests that Condition VIII.C.2. be removed in its entirety.
3. Page 18, Condition VIII.D.1. This condition states that "The term qualified personnel means personnel having successfully completed the Mine and Safety and Health Administration Qualification for Impoundment course in addition to the Annual Retraining for Impoundment Qualification or equivalent courses." Gulf Power is unaware of any requirements in Florida Statutes or implementing agency regulations that require that qualified personnel complete the courses referenced. Gulf Power agrees that the person should be qualified, but that the MSHA and retraining courses are unnecessary. Gulf Power requests that the second sentence in Condition VIII.D.1. be removed.
4. Page 19, Condition VIII.D.4. This condition outlines inspection procedures and requests that "the findings of each inspection shall be documented in a written inspection report." Gulf Power would be required by Condition VIII.D.2. to "certify that no breaches or structural defects" were observed during the previous year and submit this certification annually. Also, pursuant to Condition VIII.D.3., Gulf Power must also submit annual certification that the "ash pond provides the necessary minimum wet weather detention volume..." Gulf Power is already required to prepare and submit these reports annually to the Department under its existing permit and would continue to be subject to these reporting requirements in the proposed permit. Therefore, the requirement in VIII.D.4. to document findings in a "written inspection report" is duplicative and unnecessary. Gulf Power requests that the last sentence of Condition VIII.D.4. be removed.
5. Page 19, Condition VIII.D.5. This draft condition states that, "Within 24 hours of discovering changes that indicate a potential compromise to the structural integrity...the permittee shall begin procedures to remediate the problem..." Draft Condition VIII.D.2. states, "In the event that such defect(s) exist and result in potential discharge to surface waters of the State, the permittee shall notify the Department within twenty-four (24) hours of becoming aware of the situation and provide a proposed course of corrective action." The language in Condition VIII.D.5. appears to be duplicative of the language in Condition VIII.D.2.

In addition, Condition VIII.D.5. also states, "Other issues which may have long term impacts to integrity...shall be cleared within thirty days..." General Condition IX.5. states, "The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. Gulf Power believes that the language in Condition VIII.D.5. is already covered by the language in Condition IX.5.

Based on these comments, Gulf Power requests that Condition VIII.D.5. be removed in its entirety.

6. Page 19, Condition VIII.E. 1. This Condition states, "Within 5 days of discovering any changes in the impoundment that indicate a potential compromise to the structural integrity, the permittee must notify the NPDES Permitting Authority in writing describing the findings of the inspection, corrective measures taken, and expected outcomes." General Condition IX.20. states, "The permittee shall report to the Department...any noncompliance which may endanger health or environment...information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days." Condition VIII. E.1. is already covered by General Condition IX.20. and that general condition appears to be more stringent than Condition VIII.E.1. Therefore, Gulf Power requests that Condition VIII.E.1. be removed in its entirety.

7. Page 19, Condition VIII.E.2. This Condition requires "The permittee shall submit an annual report to the NPDES Permitting Authority summarizing findings of all monitoring activities, inspections, and remediation measures pertaining to the structural integrity, design, construction, and operation and maintenance of all impoundments." Condition VIII.D. 2. and 3. both require annual submittals regarding structural integrity and wet weather detention volume certifications. Therefore, Gulf Power believes that Condition VIII.E.2. is redundant and should be removed in its entirety.

8. Page 19, Conditions VIII.E. 3. and 4. These Conditions state that "records of all impoundment inspections" and "pertinent impoundment permits, design, construction, operations...information" shall "be kept on site and made available to the Department or Federal inspectors upon request." Because of the age of this facility and the potential difficulty in finding and supplying upon request all documentation relating to the impoundment, Gulf Power requests that these conditions be limited to documentation, information, etc. created after the issuance date of the permit. Gulf Power also requests that the following sentence be added to both conditions, "Copies of all reports, documentation, and other information required by this condition shall be maintained for three years from the date the reports, documentation, or information was prepared." This suggested provision is consistent with Federal and State requirements as well as other conditions in the permit.

I'm in this afternoon (after lunch Central Time) if you have any questions. I'll speak with a few folks on the nutrient requirements. We'll get our final comments to you next week.
Susan.

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