

10-035-124/Rocky Mountain Power

June 7, 2011

WRA Data Request 5.1

### **WRA Data Request 5.1**

WRA Data Request Number 4.1 d) asked: “On March 28, 2011, EPA issued a draft Clean Water Act Cooling Water Intake Rule (Draft Rule) to regulate cooling water intake for electric generation units. d) Provide all internal analyses, memos, studies, reports, presentations, etc., of the impact of the Draft Rule on PacifiCorp’s coal-fueled generation fleet.”

In its May 13, 2011 response, the Company replied: “...To date, no additional analyses, studies or reports have been prepared as a result of the Draft Rules that are not subject to the attorney-client privilege.”

5.1 Please provide a complete log of all evaluations, analyses, memos, studies, reports, presentations, etc. of the impact of the Draft Rule on PacifiCorp’s coal-fueled generation fleet that the Company considers to be “subject to the attorney-client privilege.” Include the document date, author(s), subject matter, intended audience, and reason for privilege.

### **Response to WRA Data Request 5.1**

Please refer to Confidential Attachment WRA 5.1 for the response. Confidential information is provided subject to the terms and conditions of the certificate of confidentiality in this proceeding.

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WRA Data Request 5.2

### **WRA Data Request 5.2**

WRA data request 4.2 asked: “On September 15, 2009, EPA announced its intention to undertake rulemaking focused on providing effluent guidelines for wastewater discharges from steam electric plants, including coal-fired generation facilities. The EPA has identified wastewaters from flue gas mercury control systems, regeneration of the catalysts used for SCR, wastes from flue gas desulphurization, and coal combustion residual storage ponds as sources of waste water to be considered under this rule. c) Provide all internal analyses, memos, studies, reports, presentations, etc., of the impact of the expected rule on PacifiCorp’s coal-fueled generation fleet.”

On May 13, the Company responded: “The EPA’s announced intention to undertake rulemaking has not yet materialized into a proposed rule to regulate effluent limits for wastewater discharges from steam electric plants; therefore, PacifiCorp cannot speculate on the additions or retrofits that may [be] required.”

- 5.2 a) Does the Company intend this response to imply that no one in the Company has prepared an initial evaluation of the potential effect of the expected rule on PacifiCorp’s coal generation fleet? Yes or No?
- 5.2 b) If any initial evaluations have been prepared that the Company considers to be subject to the attorney client privilege, provide a complete log of all evaluations, analyses, memos, studies, reports, presentations, etc., of the impact of the expected rule on PacifiCorp’s coal-fueled generation fleet that the Company considers to be privileged. Include the document date, author(s), subject matter, intended audience, and reason for privilege.

### **Response to WRA Data Request 5.2**

- 5.2 a) Yes, the Company’s prior response remains applicable. While the Company is aware that the effluent guidelines may be revised, how they may be revised is speculative and no evaluations that would produce meaningful results have been completed with respect to the EPA’s announcement to undertake rulemaking. The EPA’s “Steam Electric Power Generating Point Source Category: Final Detailed Study Report” dated October 2009, largely reviewed plants in the Eastern U.S. and was not sufficient to provide the Company with information regarding what the revised guidelines would entail and/or how the coal combustion byproduct rulemaking may impact those guidelines.

The Company responded to EPA’s effluent limitation guideline questionnaire Information Collection Request on September 15, 2010. On January 18, 2011, the Eastern Research Group, Incorporated, a contractor for the EPA, contacted the Hunter plant with follow-up questions and the Company responded to those questions on February 3, 2011. On February

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3, 2011, Eastern Research Group contacted the Naughton plant with follow-up questions and the Company responded to those questions on February 14, 2011.

5.2 b) Please refer to Confidential Attachment WRA 5.2 for the response.

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WRA Data Request 5.3

### **WRA Data Request 5.3**

WRA data request 4.3 stated: “On June 21, 2010, EPA proposed rules to regulate fly ash and flue gas desulfurization, ‘coal combustion residuals’ (CCR), as either a hazardous waste or a solid waste. b) Provide all internal analyses, memos, studies, reports, presentations etc. relating to the potential impact to PacifiCorp of a determination by the EPA to regulate CCR as hazardous waste. For each facility provide a description of what actions would be required by PacifiCorp to comply with regulation of CCR as a hazardous waste. Provide PacifiCorp’s estimate of the cost of compliance with a hazardous waste designation. c) Provide all internal analyses, memos, studies, reports, presentation etc. relating to the potential impact of a determination by the EPA to regulate CCR as solid waste. For each facility provide a description of what regulation of CCR as a solid waste would entail. Provide PacifiCorp’s estimate of the cost of compliance with a solid waste designation.”

On May 13, 2011, PacifiCorp responded: b) “...Any other documents potentially responsive to this request are subject to the attorney client privilege. c)

“...Other documents potentially responsive to this request are subject to the attorney-client privilege.”

- 5.3 a) Provide a log of all evaluations, analyses, memos, studies, reports, presentations etc. relating to the potential impact to PacifiCorp of a determination by the EPA to regulate CCR as hazardous waste that the Company considers to be “subject to the attorney-client privilege.” Include the document date, author(s), subject matter, intended audience, and reason for privilege.
- 5.3 b) Provide a log of all evaluations, analyses, memos, studies, reports, presentations etc. relating to the potential impact of a determination by the EPA to regulate CCR as solid waste that the Company considers to be “subject to the attorney-client privilege.” Include the document date, author(s), subject matter, intended audience, and reason for privilege.

### **Response to WRA Data Request 5.3**

- 5.3 a) Please refer to Confidential Attachment WRA 5.3 for the response.
- 5.3 b) Please refer to Confidential Attachment WRA 5.3 for the response.

Confidential information is provided subject to the terms and conditions of the certificate of confidentiality in this proceeding.

## **List of Confidential Attachments**

Confidential Attachments WRA 5.1, WRA 5.2 and WRA 5.3