minnesota power / 30 west superior street / duluth, minnesota 55802-2093 / 218-722-5642 / www.mnpower.com

April 1, 2009

Mr. Richard Kinch
US Environmental Protection Agency
Two Potomac Yard
2733 S. Crystal Dr.
5th Floor; N-5783
Arlington, VA 22202-2733

Dear Mr. Kinch:

We are writing to make a correction to our March 27, 2009 letter to you, responding to the EPA's request for information pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act. This correction is made subject to all of the same objections and clarifications as our March 27 response.

In our previous answer to Question 2 regarding our Laskin Energy Center (Enclosure 2 to our March 27 letter), we indicated that that Laskin Cells C & D were decommissioned in 1964. The correct date is 1994.

Please accept our apology for the error.

Sincerely;

Allan S. Rudeck, Jr., P.E.
Vice President – MP Generation

cc: Mr. Brandon Smith, E.I.T., Minnesota Pollution Control Agency

minnesota power / 30 west superior street / duluth, minnesota 55802-2093 / 218-722-5642 / wwww.mnpower.com

March 27, 2009

Mr. Richard Kinch
US Environmental Protection Agency
Two Potomac Yard
2733 S. Crystal Dr.
5th Floor; N-5783
Arlington, VA 22202-2733

Dear Mr. Kinch:

We are writing in response to the EPA's letter to our Chief Executive Officer (CEO) dated March 9, 2009 and to the related facility letters received at our Boswell and Laskin Energy Centers, requesting certain information pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (the "Request").

While we do not think there is any reason to believe that there may be a release or that there is a threat of release of a pollutant or contaminant from any of Minnesota Power's surface impoundment facilities, in the spirit of cooperation, we are providing the enclosed information.

General Objections

This response and any future responses to the Request are subject to limitations, clarifications, and objections identified in this response. All such limitations, clarifications and objections also apply to all Enclosures to this response.

Minnesota Power objects to the Request on the grounds that it is unduly burdensome and overly broad, seeks irrelevant information, seeks information for an unreasonably long period of time, is vague and unclear concerning its scope, and is otherwise unreasonable, thereby exceeding EPA's authority under CERCLA § 104(e). Minnesota Power objects to the Request to the extent that it seeks information beyond the scope of EPA's authority under CERCLA § 104(e). Notwithstanding the unreasonableness of the time provided for the response and the above objections, Minnesota Power is providing this and any future responses to the Request without waiving such objections.

Background

Boswell has an active ash pond complex consisting of a bottom ash pond for all four units, a fly ash pond for Unit 3, and a fly ash and scrubber slurry pond for Units 1, 2

and 4. Boswell also has an inactive bottom ash pond. Disclosures regarding these Boswell units are contained in Enclosure 1.

Laskin has one active ash pond (Cell E) and retired ash ponds (Cells A, B, C & D). Disclosures regarding these Laskin units are contained in Enclosure 2. In addition to the above-described ash ponds, which clearly constitute surface impoundments, there are two other small ponds at Boswell Energy Center that we do not consider to be ash ponds because of their minimal involvement with coal combustion residue. Nevertheless, given the EPA's interpretation, as evidenced by EPA's response to Utility Solid Waste Act Group (USWAG) members dated March 10, 2009, we are including information regarding these smaller ponds because they technically meet the definition of a surface impoundment under 40 CFR 260.10. The two smaller Boswell surface impoundments are: (1) central waste water treatment ponds that receive some return water from the ash ponds; and (2) a coal pile sump that, in addition to coal pile runoff water, receives some scrubber water. Disclosures regarding these small Boswell units are contained in Enclosure 3.

Omitted Unit

The EPA's March 9 letter to our CEO identified our Clay Boswell Power Station and Syl Laskin Power Station as Minnesota Power facilities which have received an Information Request. In addition to the Boswell and Laskin facilities, Minnesota Power owns and operates the Taconite Harbor Energy Center in Schroeder, Minnesota, which has a coal ash landfill leachate holding pond. Similarly to the smaller Boswell ponds, we do not consider the leachate holding pond to be an ash pond, but are disclosing it because it technically meets the definition of a surface impoundment under 40 CFR 260.10.

Clarification and Certification

Where the Request is vague, ambiguous, overly broad, seeks irrelevant information, seeks information for an unreasonably long period of time or beyond the scope of EPA's CERCLA § 104(e) authority, we have made good faith, appropriate and reasonable efforts to provide responsive information. In addition, we have answered the Request to the best of our actual knowledge. Subject to the foregoing:

> I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate, and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, those persons directly responsible for gathering the information, the information submitted is, to the best

of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Allan S. Rudeck, Jr., P.E.
Vice President – MP Generation

Enclosures

cc: Mr. Brandon Smith, E.I.T., Minnesota Pollution Control Agency

Enclosure 1
ALLETE, Inc (dba Minnesota Power)
Boswell Energy Center
EPA CERCLA Section 104(e) Information Request for Surface Impoundments
March 2009

Please provide the information requested below for each surface impoundment or similar diked or bermed management unit(s) or management units designated as landfills which receive liquid-borne material for the storage or disposal of residuals or by-products from the combustion of coal, including, but not limited to, fly ash, bottom ash, boiler slag, or flue gas emission control residuals. This includes units that no longer receive coal combustion residues or by-products, but still contain free liquids.

Minnesota Power is providing responses in this Enclosure 1 as to the following management units at its Boswell Energy Center ("Boswell Units"):

- Active Ash Pond Complex, consisting of:
  - Unit 3 Fly Ash Pond
  - Unit 1, 2 & 4 Fly Ash and Scrubber Slurry Pond
  - Units 1 – 4 Bottom Ash Pond
- Inactive Units 1, 2 & 3 Bottom Ash Pond

1. Relative to the National Inventory of Dams criteria for High, Significant, Low, or Less-than-Low, please provide the potential hazard rating for each management unit and indicate who established the rating, what the basis of the rating is, and what federal or state agency regulates the unit(s). If the unit(s) does not have a rating, please note that fact.

No hazard rating has been assigned to any of the Boswell Units. The Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Natural Resources (MDNR) regulate the units under a National Pollutant Elimination System Permit (NPDES) and a Dam Safety/Water Appropriation Permit, respectively.

2. What year was each management unit commissioned and expanded?

Operation of the Active Ash Pond Complex began in December 1979. It has not been expanded.

The Inactive Units 1, 2 & 3 Bottom Ash Pond operated from June 1973 through December 1979. It was not expanded during its operation.

3. What materials are temporarily or permanently contained in the unit? Use the following categories to respond to this question: (1) fly ash; (2) bottom ash: (3) boiler slag; (4) flue gas emission control residuals; (5) other. If the management unit contains more than one type of material, please identify all that apply. Also, if you identify "other", please specify the other types of materials that are temporarily or permanently contained in the unit(s).

The Unit 3 Fly Ash Pond permanently contains fly ash (1).

The Unit 1, 2 & 4 Fly Ash and Scrubber Slurry Pond permanently contains fly ash (1).

The Units 1 – 4 Bottom Ash Pond permanently contains primarily bottom ash (2) and boiler slag (3). The Unit also contains relatively small amounts of dredged material from the Coal Pile Sump and Central Waste Water Treatment Ponds, containing fly ash (1) and other materials (5) as further described in Enclosure 3.

The Inactive Units 1, 2, & 3 Bottom Ash Pond permanently contains bottom ash (1) and a small, designated area of the pond permanently contains permitted industrial solid waste, such as construction debris, sandblasting material, and brick refractory (5).

4. Was the management unit(s) designed by a Professional Engineer? Is or was the construction of the waste management unit(s) under the supervision of a Professional Engineer? Is inspection and monitoring of the safety of the waste management unit(s) under the supervision of a Professional Engineer?

The Active Ash Pond Complex was designed by Professional Engineers from Ebasco Services, Inc. of Atlanta, Georgia. On-site construction was supervised by a Professional Engineer from Ebasco and an internal Minnesota Power engineer. Periodic monitoring of the structural integrity of the Active Ash Pond Complex is under the supervision of the Minnesota Power engineering department.

Without the time to perform an exhaustive review of our historical records, we have not been able to determine who originally designed and supervised construction of the Inactive Units 1, 2, & 3 Bottom Ash Pond.

Ongoing inspection and monitoring of the structural integrity of the Boswell Units is performed by Minnesota Power operations, engineering services and maintenance staff.

5. When did the company last assess or evaluate the safety (i.e. structural integrity) of the management unit(s)? Briefly describe the credentials of those conducting the structural integrity assessments/evaluations. Identify actions taken or planned by facility personnel as a result of these assessments or evaluations. If corrective actions were taken briefly describe the credentials of those performing the corrective actions, whether they were company employees or cotnractors. If the company plans an assessment or evaluation in the future, when is it expected to occur?

Structural integrity of the Boswell Units has been and continues to be monitored using three ongoing practices: visual observation of structural integrity by operations and maintenance staff, piezometer measurements, and measurement of settlement monuments.

Visual observation: The Boswell Units' dikes are visually inspected by Minnesota Power operations and maintenance staff for erosion on a daily basis, every four hours. All staff performing such observations receive environmental training at least once per year. No

erosion has occurred on the exterior dikes throughout the life of the Units and therefore no corrective actions have been necessary. For any observed interior dike erosion, bottom ash has been placed on the eroded surface. These minor repairs occur as soon as possible after observation. The bottom ash placement has been done by outside earthwork contractors. The most recent such repairs were in the spring of 2008.

Piezometers: Monitoring wells are located around the perimeter of the Boswell Units, as well as along an interior dike. These wells are monitored three times per year by an outside contract lab, certified by the Minnesota Department of Health and accredited by the National Environmental Laboratory Accreditation Program, for elevation and analytical parameters. Most recently, such monitoring was performed in October, 2008. The results of the monitoring are reported to the MPCA annually. To date, no repairs or corrective actions have been necessary based upon results of monitoring well measurements.

Settlement Monuments: Ten monuments are placed around the Active Ash Pond Complex. Surveys of the monuments have typically been done twice per year to measure horizontal and vertical movement of the dike. Such surveys have been performed both by Minnesota Power engineering services staff and outside consultants. The most recent survey was performed by an outside engineering firm (Short-Elliot Hendrickson) in 2008. No corrective actions have been necessary based upon results of these surveys.

6. When did a State or a Federal regulatory official last inspect or evaluate the safety (structural integrity) of the management unit(s)? If you are aware of a planned state or federal inspection or evaluation in the future, when is it expected to occur? Please identify the Federal or State regulatory agency or department which conducted or is planning the inspection or evaluation. Please provide a copy of the most recent official inspection report or evaluation.

Formal dam safety inspections have not occurred since construction on the Boswell Units was completed. MPCA officials regularly inspect the Boswell Units and related structures during annual/biannual compliance surveys, but do not typically include an assessment of the Units' structural integrity in their related reports. MDNR staff have also visited the site area numerous times for various permitting and waterfowl censuses.

Mr. Jason Boyle, MDNR Dam Safety Manager, has indicated that the MDNR will be inspecting and evaluating the Boswell Units this spring.

7. Have assessments or evaluations, or inspections conducted by State or Federal regulatory officials conducted within the past year uncovered a safety issue(s) with the management unit(s), and, if so, describe the actions that have been or are being taken to deal with the issue or issues. Please provide any documentation that you have for these actions.

No assessments, evaluations or inspections have been conducted by State or Federal regulatory officials within the past year. As indicated above, internal measures are taken periodically to ensure there is no safety or operational issues with the Boswell Units.

8. What is the surface area (acres) and total storage capacity of each of the management unit(s)? What is the volume of materials currently stored in each of the management unit(s). Please provide the date that the volume measurement(s) was taken. Please provide the maximum height of the management unit(s).

Active Ash Pond Complex:
Surface Area: 645 acres
Storage Capacity:

Unit 1, 2 & 4 Fly Ash and Scrubber Slurry Pond	7190 acre feet
Unit 1-4 Bottom Ash Pond	1380 acre feet
Unit 3 Fly Ash Pond	2666 acre feet

Current Stored Ash Volume (to 1317 feet Mean Sea Level):

Unit 1, 2 & 4 Fly Ash and Scrubber Slurry Pond	3182 acre feet
Unit 1-4 Bottom Ash Pond	1130 acre feet
Unit 3 Fly Ash Pond	1041 acre feet

Surveyed: December 2005 by Short Elliot Hendrickson Engineering
Maximum Dam Height: 49 feet

Inactive Unit 3 Bottom Ash Pond:
Surface Area: 200 acres
Storage Capacity:

Fly Ash	1900 acre feet
Bottom Ash	1513 acre feet

Stored Ash Volume:

Fly Ash	433 acre feet
Bottom Ash	149 acre feet

Surveyed: Estimated by Ebasco Services August 1980
Maximum Dam Height: 40 feet

9. Please provide a brief history of known spills or unpermitted releases from the unit within the last ten years, whether or not these were reported to State or federal regulatory agencies. For purposes of this question, please include only releases to surface water or to the land (do not include releases to groundwater).

There have been no known spills or unpermitted releases from the Boswell Units within the last ten years.

10. Please identify all current legal owner(s) and operator(s) of the facility.

Minnesota Power, a division of ALLETE, Inc., a Minnesota corporation, is the sole owner and operator of the Boswell Units, except that Wisconsin Public Power Inc. (the owner of 20% of Boswell Unit 4) has an undivided 20% interest in the Units 1, 2 & 4 Fly Ash and Scrubber Slurry Pond.

Enclosure 3
ALLETE, Inc (dba Minnesota Power)
EPA CERCLA Section 104(e) Information Request for Surface Impoundments
Supplemental Information for Additional Impoundments at the Boswell Energy Center
March 2009

Please provide the information requested below for each surface impoundment or similar diked or bermed management unit(s) or management units designated as landfills which receive liquid-borne material for the storage or disposal of residuals or by-products from the combustion of coal, including, but not limited to, fly ash, bottom ash, boiler slag, or flue gas emission control residuals. This includes units that no longer receive coal combustion residues or by-products, but still contain free liquids.

Minnesota Power is providing responses in this Enclosure 3 as to the following management units at its Boswell Energy Center, which meet the technical definition of "surface impoundments" under 40 CFR 260.10, but are not considered by Minnesota Power to be ash ponds ("Boswell Small Units"):

- Coal Pile Sump ("CPS")
- Central Waste Water Treatment Ponds ("CWWTP").

1. Relative to the National Inventory of Dams criteria for High, Significant, Low, or Less-than-Low, please provide the potential hazard rating for each management unit and indicate who established the rating, what the basis of the rating is, and what federal or state agency regulates the unit(s). If the unit(s) does not have a rating, please note that fact.

No hazard rating has been assigned to either of the Boswell Small Units.

2. What year was each management unit commissioned and expanded?

The CPS has been in operation since 1972. It has not been expanded.

The CWWTP was placed in service in April 1980. It has not been expanded.

3. What materials are temporarily or permanently contained in the unit? Use the following categories to respond to this question: (1) fly ash; (2) bottom ash: (3) boiler slag; (4) flue gas emission control residuals; (5) other. If the management unit contains more than one type of material, please identify all that apply. Also, if you identify "other", please specify the other types of materials that are temporarily or permanently contained in the unit(s).

The CPS collects coal pile runoff (5) and blow down from the Unit 3 scrubber, which incidentally includes fly ash (1) on a temporary basis – the fly ash is ultimately dredged and pumped to Boswell's Units 1 - 4 Bottom Ash Pond.

The CWWTP collects water from the CPS (and therefore the same materials as described above for the CPS), blow down from Boswell Units 1 – 4 Bottom Ash Pond (2), storm water run-off (5), and other plant waste streams (5). The CWWTP is periodically

dredged and solid matter is pumped to Boswell's Units 1 - 4 Bottom Ash Pond for permanent containment.

4. Was the management unit(s) designed by a Professional Engineer? Is or was the construction of the waste management unit(s) under the supervision of a Professional Engineer? Is inspection and monitoring of the safety of the waste management unit(s) under the supervision of a Professional Engineer?

Without the time to perform an exhaustive review of our historical records, we have not been able to determine who originally designed and supervised construction of the CPS. However, in the late 70's Ebasco Services, Inc. of Atlanta, Georgia designed and supervised construction of improvements to the CPS, which included bentonite sealing and erosion prevention. Ongoing inspection and monitoring of the structural integrity of the Unit is done by Minnesota Power operations and maintenance staff.

Ebasco designed the CWWTP. Supervision of construction was performed by Ebasco and an internal Minnesota Power engineer. Ongoing inspection and monitoring of the structural integrity of the Unit is performed by Minnesota Power operations and maintenance staff.

5. When did the company last assess or evaluate the safety (i.e., structural integrity) of the management unit(s)? Briefly describe the credentials of those conducting the structural integrity assessments/ evaluations. If corrective actions were taken, briefly describe the credentials of those performing the corrective actions, whether they were company employees or contractors. If the company plans an assessment or evaluation in the future, when is it expected to occur?

Daily inspections of the Boswell Small Units are performed by Minnesota Power operations and maintenance staff and no corrective actions have been necessary.

6. When did a State or a Federal regulatory official last inspect or evaluate the safety (structural integrity) of the management unit(s)? If you are aware of a planned state or federal inspection or evaluation in the future, when is it expected to occur? Please identify the Federal or State regulatory agency or department which conducted or is planning the inspection or evaluation. Please provide a copy of the most recent official inspection report or evaluation.

Formal safety inspections have not occurred since the Boswell Small Units were commissioned. MPCA officials regularly inspect the Boswell Small Units and related structures during annual/biannual compliance surveys, but do not typically include structural integrity in their related reports.

7. Have assessments or evaluations, or inspections conducted by State or Federal regulatory officials conducted within the past year uncovered a safety issue(s) with the management unit(s), and, if so, describe the actions that have been or are being taken to

deal with the issue or issues. Please provide any documentation that you have for these actions.

No assessments, evaluations or inspections have been conducted by State or Federal regulatory officials within the past year.

8. What is the surface area (acres) and total storage capacity of each of the management units? What is the volume of materials currently stored in each of the management unit(s)? Please provide the date that the volume measurement(s) was taken. Please provide the maximum height of the management unit(s).

CPS:
Surface Area: less than one acre
Storage Capacity: 1.2 acre feet
Current Stored Solid Material Volume: approximately 0.6 acre feet
Estimated "high" based on typical dredged volume.
Maximum Dam Height: estimated at 20 feet

CWWTP:
Surface Area: approximately 1.6 acres
Storage Capacity: 9.2 acre feet
The CWWTP stored materials are entirely below-grade; therefore no volume or height calculations are included.

9. Please provide a brief history of known spills or un-permitted releases from the unit within the last ten years, whether or not these were reported to State or federal regulatory agencies. For purposes of this question, please include only releases to surface water or to the land (do not include releases to groundwater).

In the last ten years, there has been one unpermitted release from the CPS. On April 8, 2000, water overflowed from the Boswell Unit 3 clarifiers and filled the CPS, and the combined waters flowed to Blackwater Lake. Upon discovery of the overflow situation, the clarifier overflow was immediately stopped and pumps were dispatched to lower the CPS water level, stopping the release. The incident was reported to the Minnesota Duty Officer at 22:30 on April 8, 2000.

There have been no known spills or unpermitted releases from the CWWTP within the last ten years.

10. Please identify all current legal owner(s) and operator(s) of the facility.

Minnesota Power, a division of ALLETE, Inc., a Minnesota corporation, is the sole owner and operator of the Boswell Small Units.

Enclosure 2
ALLETE, Inc (dba Minnesota Power)
Laskin Energy Center
EPA CERCLA Section 104(e) Information Request for Surface Impoundments
March 2009

Please provide the information requested below for each surface impoundment or similar diked or bermed management unit(s) or management units designated as landfills which receive liquid-borne material for the storage or disposal of residuals or by-products from the combustion of coal, including, but not limited to, fly ash, bottom ash, boiler slag, or flue gas emission control residuals. This includes units that no longer receive coal combustion residues or by-products, but still contain free liquids.

Minnesota Power is providing responses as to the following management units at its Laskin Energy Center ("Laskin Units"):

- Cell E
- Cells A, B, C & D (retired)

1. Relative to the National Inventory of Dams criteria for High, Significant, Low, or Less-than-Low, please provide the potential hazard rating for each management unit and indicate who established the rating, what the basis of the rating is, and what federal or state agency regulates the unit(s). If the unit(s) does not have a rating, please note that fact.

No hazard rating has been assigned to any of the Laskin Units. The Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Natural Resources (MDNR) regulate the units under a National Pollutant Elimination System Permit (NPDES) and a Dam Safety/Water Appropriation Permit, respectively.

2. What year was each management unit commissioned and expanded?

Operation of Cell E began in October 2000. It has not been expanded.

Cells A, B, C & D began operation in the early 1960s. Cells C & D were decommissioned in 1964. Cells A & B were decommissioned in October 2000. None of the Units were expanded during their operation.

3. What materials are temporarily or permanently contained in the unit? Use the following categories to respond to this question: (1) fly ash; (2) bottom ash: (3) boiler slag; (4) flue gas emission control residuals; (5) other. If the management unit contains more than one type of material, please identify all that apply. Also, if you identify "other", please specify the other types of materials that are temporarily or permanently contained in the unit(s).

Cell E permanently contains fly ash (1), bottom ash (2), boiler slag (3), minimal amounts of Black Beauty sand blasting material (5) consisting of 99 – 100% slag coal (Source: Minnesota Power Damarco Material Safety Data Sheet), miscellaneous plant waste streams from the plant facility (floor drain wastes) (5) and stormwater with associated coal fines from the coal pile sump (5).

Cells A & B permanently contain fly ash (1), bottom ash (2), and boiler slag (3).

Cells C & D (finishing cells for Cells A & B) permanently contain only trace carry-over amounts of materials from Cells A & B. When Cells C & D were decommissioned, the MPCA determined that they contained no measurable amounts of ash.

4. Was the management unit(s) designed by a Professional Engineer? Is or was the construction of the waste management unit(s) under the supervision of a Professional Engineer? Is inspection and monitoring of the safety of the waste management unit(s) under the supervision of a Professional Engineer?

Cell E was designed by Barr Engineering Company of Minneapolis, Minnesota. Barr design personnel included scientists and Professional Engineers having the requisite skills and experience. The permitting and design was supervised by a Professional Engineer from Barr. On-site construction was supervised by a Minnesota Power Professional Engineer, with oversight from Barr.

Without the time to perform an exhaustive review of our historical records, we have not been able to determine who originally designed and supervised construction of Cells A, B, C & D.

Ongoing inspection and monitoring of the structural integrity of the Laskin Units is performed by Minnesota Power operations and maintenance staff.

5. When did the company last assess or evaluate the safety (i.e. structural integrity) of the management unit(s)? Briefly describe the credentials of those conducting the structural integrity assessments/evaluations. Identify actions taken or planned by facility personnel as a result of these assessments or evaluations. If corrective actions were taken, briefly describe the credentials of those performing the corrective actions, whether they were company employees or contractors. If the company plans an assessment or evaluation in the future, when is it expected to occur?

Structural integrity of the Laskin Units has been and continues to be monitored using two ongoing practices and one pending practice:

Visual observation (ongoing): The Laskin Units are visually inspected by Minnesota Power operations and maintenance staff for erosion on a twice-daily basis. All staff performing such observations receive environmental training at least once per year. No erosion has occurred on the dikes throughout the life of Cell E and therefore no corrective actions have been necessary.

Piezometers (ongoing): Monitoring wells are located up- and down-gradient of the Laskin Units. These wells are monitored three times per year by an outside contract lab, certified by the Minnesota Department of Health and accredited by the National Environmental Laboratory Accreditation Program, for elevation and analytical parameters. Most recently, such monitoring was performed in October, 2008. The

results of the monitoring are reported to the MPCA three times per year. To date, no repairs or corrective actions have been required due to monitoring well measurements.

Monument Surveys (pending): In the spring of 2009, Minnesota Power is planning to install monuments at various positions around the Cell E dike to accurately monitor its vertical and horizontal movement.

6. When did a State or a Federal regulatory official last inspect or evaluate the safety (structural integrity) of the management unit(s)? If you are aware of a planned state or federal inspection or evaluation in the future, when is it expected to occur? Please identify the Federal or State regulatory agency or department which conducted or is planning the inspection or evaluation. Please provide a copy of the most recent official inspection report or evaluation.

Formal dam safety inspections were conducted by the MPCA at the time construction was completed on Cell E. A copy of the MPCA's letter approving ash discharge to Cell E is included as Attachment 1. No additional dam safety inspections have occurred since the Laskin Units were commissioned. MPCA officials regularly inspect the Laskin Units and related structures during annual/biannual compliance surveys, but do not typically include an assessment of the Units' structural integrity in their related reports.

Mr. Jason Boyle, MDNR Dam Safety Manager, has indicated that the MDNR will be inspecting and evaluating the Laskin Units this spring.

7. Have assessments or evaluations, or inspections conducted by State or Federal regulatory officials conducted within the past year uncovered a safety issue(s) with the management unit(s), and, if so, describe the actions that have been or are being taken to deal with the issue or issues. Please provide any documentation that you have for these actions.

The April 2008 MPCA facility inspection report did not cite any safety issues with the Laskin Units. A copy of this report is included as Attachment 2. As indicated above, internal measures are taken periodically to ensure there are no safety or operational issues with the Laskin Units.

8. What is the surface area (acres) and total storage capacity of each of the management unit(s)? What is the volume of materials currently stored in each of the management unit(s). Please provide the date that the volume measurement(s) was taken. Please provide the maximum height of the management unit(s).

Cell E:
Surface Area: 23.1 acres
Storage Capacity: 174 acre feet
Current Stored Ash Volume: Approximately 99 acre feet
Surveyed: April 2008 by Short Elliot Hendrickson Engineering
Maximum Dam Height: 28 feet

Cells A, B, C & D:
Surface Area: 73 Acres
Storage Capacity: approximately 730 acre feet
Current Stored Ash Volume: 436 acre feet
Surveyed/Estimated: 2002 Barr Engineering
Maximum Dam Height: 10 feet

9. Please provide a brief history of known spills or unpermitted releases from the unit within the last ten years, whether or not these were reported to State or federal regulatory agencies. For purposes of this question, please include only releases to surface water or to the land (do not include releases to groundwater).

There have been no known spills or unpermitted releases from the Laskin Units within the last ten years.

10. Please identify all current legal owner(s) and operator(s) of the facility.

Minnesota Power, a division of ALLETE, Inc., a Minnesota corporation, is the sole owner and operator of the Laskin Units.

ATTACHMENT 1

Minnesota Pollution Control Agency

August 21, 2000

Mr. Allen S. Rudeck Jr., P. E.
Chemical Engineer II
Minnesota Power
Laskin Energy Center
PO Box 166
Aurora, MN 55705-0166

Re: New Ash Pond – Water Balance Test Results
Laskin Energy Center
NPDES/SDS Permit No. MN 0000990

Dear Mr. Rudeck:

Approval of the water balance test results dated August 12, 2000, is hereby granted for the new ash pond at the Laskin Energy Center. Ash may be discharged to the pond subject to the conditions of the previously approved engineering reports, plans, specifications, addenda, associated submittals, and your permit.

If you have any questions regarding this matter feel free to contact me at (218) 723-4927.

Sincerely,

Scott Knowles, P. E.
Major Facilities
North District Duluth Office

SK:dld

cc: Mr. Scott Jasperson, MN Power
Ms. Deb Lindlief, MPCA

525 Lake Avenue South Suite 400; Duluth, Minnesota 55802; Voice (218) 723-4660; Fax (218) 723-4727; TTY(651) 282-5332
St. Paul • Duluth • Brainerd • Detroit Lakes • Marshall • Rochester • Mankato • Willmar; Web Site www.pca.state.mn.us