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ALLIANT ENERGY

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May 18, 2009

VIA OVERNIGHT DELIVERY

Mr. Richard Kinch
US Environmental Protection Agency
Two Potomac Yard
2733 S. Crystal Dr.
5th Floor: N-5738
Arlington, VA 22202-2733

RE: Response to Request for Information Under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act

Dear Mr. Kinch:

On May 4, 2009, the Ottumwa Generating Station, a facility owned and operated by Interstate Power and Light Company ("IPL"), on whose behalf this response is submitted, received a "Request for Information Under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act" (hereinafter "Request") from the United States Environmental Protection Agency ("EPA"). EPA's Request was undated. EPA's Request required a response within 10 business days of receipt; therefore, this response is timely filed.

EPA's Request seeks information relating to Ottumwa Generating Station's surface impoundments or similar diked or bermed management unit(s) or management units designated as landfills which receive liquid-borne material from a surface impoundment used for 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. EPA seeks responses to ten specific questions set forth in Enclosure A to the Request.

This letter and the enclosed documents respond to EPA's Request. IPL has made diligent and good faith efforts to provide documents and information that are in its possession and which IPL could reasonably collect and prepare for production within the timeframe allotted.

A. General Objections

Based on its review of and good-faith efforts to respond timely to the Request, IPL wishes to note for the record that it has several objections to the form and content of the Request.

IPL objects to the Request on the grounds that it is unduly burdensome and overly broad, seeks irrelevant information, is vague and unclear in its scope, requires legal conclusions to be made, and is otherwise unreasonable, thereby exceeding EPA's authority under CERCLA Section 104(e).

IPL objects to the Request to the extent that it seeks information beyond the scope of EPA's authority under Section 104(e) of CERCLA. Section 104(e) authorizes EPA to request, upon reasonable notice, information or documents relating to the following:

1. The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
2. The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
3. Information relating to the ability of a person to pay for or to perform a cleanup.

IPL does not object to questions relating to the (1) type and quantity of materials stored, temporarily or permanently, in the surface impoundments and (2) nature and extent of actual releases or threatened releases; however, IPL believes that the other questions in the Request, e.g., structural integrity, dates of commissioning/expansion, PE certifications, etc., are beyond the scope of EPA's authority under Section 104(e).

IPL also objects to the extent that the Request seeks information that may be subject to attorney-client privilege or other applicable privilege, or which constitutes protected attorney work product, or which is otherwise not discoverable.

Where the questions in the Request are vague, ambiguous, overbroad, or beyond the scope of EPA's CERCLA Section 104(e) authority, IPL has made appropriate and reasonable efforts to provide responsive information to the best of its ability to interpret the questions. Subject to and without waiving its objections, IPL states that it is providing information at this time based on its review conducted in response to the specific items in the Request. In the event that IPL discovers additional responsive material, it will submit such material to EPA as soon as reasonably possible.

Because EPA has requested that IPL respond to this request within only 10 business days, IPL has not had the opportunity to determine whether the responsive contents of this letter constitute **"confidential business information**," as defined by 40 CFR Part 2,

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Subpart B. Therefore, with the exception of the Iowa Department of Natural Resources inspection report provided in response to item number 6 of EPA's Enclosure A, IPL requests that **EPA treat this letter and the narrative responses within as "confidential business information."**

Finally, IPL objects to the following phrase as vague, unclear, and ambiguous: "surface impoundment or similar diked or bermed management unit(s) or management units designated as landfills which receive liquid-borne material for storage or disposal of residual or by-products from the combustion of coal." For purposes of this Request, IPL interprets this phrase to mean:

1. Any surface impoundment that directly receives coal combustion by-products (CCB) in a liquid-borne manner (i.e., water mixed with ash) from the coal combustion process in the boiler, as well as any subsequent surface impoundments through which this CCB and water mixture may pass before the water exits the CCB management units via the NPDES permitted discharge point. This includes current operating CCB management units, as well as any surface impoundments which historically received CCB and which still contain free liquids.
2. IPL's interpretation of this phrase does not include storm water retention ponds, coal pile runoff retention ponds, cooling water ponds, etc. which may contain small incidental amounts of CCB which was transmitted via rain waters or as fugitive dust. These ponds and impoundments were neither designed nor intended for temporary or long-term storage or disposal of CCB.

B. Specific Responses to Items in Enclosure A

1. Relative to the National Inventory of Dams criteria for High, Significant, Low, or less-than-Low Hazard Potential, 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.

a. Main Ash Pond: Based on its review of readily available records and interviews with long term staff, IPL has not identified that this pond was ever rated relative to the "National Inventory of Dams" criteria by any federal or state regulatory agency.

b. Zero Liquid Discharge Pond: Based on its review of readily available records and interviews with long term staff, IPL has not identified that this pond was ever rated relative to the "National Inventory of Dams" criteria by any federal or state regulatory agency.

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

a. Main Ash Pond: Commissioned in 1981.

b. Zero Liquid Discharge Pond: Commissioned in 1981.

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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).

a. Main Ash Pond: Materials temporarily or permanently contained are

- Fly ash
- Bottom ash
- Other: ash transport water, boiler water wash, air heater wash (fly ash), steam grade water production wastewaters, storm water runoff from plant site, leachate from OML Landfill; plant floor drains, Solids Contact Units sludge for the treatment of Des Moines River water; cooling tower blowdown; and boiler blowdown (steam/water).

b. Zero Liquid Discharge Pond: Materials temporarily or permanently contained are

- Storm Water Runoff from the C-Stone (hydrated flyash) Storage pile
- Other: boiler water wash, air heater wash (fly ash), turbine cleans, and boiler chemical cleans

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4. Was the management unit(s) designed by a Professional Engineer? Is or was the construction of the waste management (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?'

a. Main Ash Pond:

- Based on review of readily available records, the pond was designed by a Professional Engineer.
- Based on review of readily available records, the pond was constructed under the supervision of a Professional Engineer.

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- Inspection and monitoring of the safety of the pond is not under the supervision of a Professional Engineer.

b. Zero Liquid Discharge Pond:

- Based on review of readily available records, the pond was designed by a Professional Engineer.
- Based on review of readily available records, the pond was constructed under the supervision of a Professional Engineer.
- Inspection and monitoring of the safety of the pond is not under the supervision of a Professional Engineer.

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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?

a. Main Ash Pond:

- IPL conducted a visual structural inspection on March 5, 2009.
- The assessment team inspecting the pond on March 5, 2009, consisted of a Civil Engineer; Senior Environmental Specialist; and a Plant Manager with an Engineering Degree.
- The March 5, 2009, inspection recommended the removal of some small trees on the inside of the berm that will be accomplished by December 31, 2009, by plant personnel or contractors working under the direct supervision of plant personnel.
- IPL currently has no future assessment/evaluation formally scheduled, but has developed an internal evaluation program which will include periodic assessments.

b. Zero Liquid Discharge Pond:

- IPL conducted a visual structural inspection on March 5, 2009.
- The assessment team inspecting the pond on March 5, 2009, consisted of a Civil Engineer; Senior Environmental Specialist; and a Plant Manager with an Engineering Degree.
- The March 5, 2009, inspection recommended the removal of some small trees on the inside of the berm that will be accomplished by December 31, 2009, by plant personnel or contractors working under the direct supervision of plant personnel.

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- IPL currently has no future assessment/evaluation formally scheduled, but has developed an internal evaluation program which will include periodic assessments.

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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.

a. Main Ash Pond:
   - This pond is part of a wastewater management unit subject to an NPDES permit. The Iowa Department of Natural Resources performed a Facility Wastewater Inspection on February 21, 2008. The inspection report does not include an evaluation of the structural integrity of the pond.
   - IPL is not aware of any planned state or federal regulatory agency future inspection to evaluate the safety (structural integrity) of this pond.
   - A copy of the Iowa Department of Natural Resources Facility Wastewater Inspection report is attached for your awareness.

b. Zero Liquid Discharge Pond:
   - This pond is part of a wastewater management unit subject to an NPDES permit. The Iowa Department of Natural Resources performed a Facility Wastewater Inspection on February 21, 2008. The inspection report does not include an evaluation of the structural integrity of the pond.
   - IPL is not aware of any planned state or federal regulatory agency future inspection to evaluate the safety (structural integrity) of this pond.
   - A copy of the Iowa Department of Natural Resources Facility Wastewater Inspection report is attached for your awareness.

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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.

a. Main Ash Pond: There have been no assessments, evaluations, or inspections by a state or federal regulatory agency within the past year.

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b. Zero Liquid Discharge Pond: There have been no assessments, evaluations, or inspections by a state or federal regulatory agency within the past year.

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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 was taken. Please provide the maximum height of the management unit(s). The basis for determining maximum height is explained later in this Enclosure.

a. Main Ash Pond:
- Surface area: 18.2 acres
- Total storage capacity: 370,000 cubic yards; measurement date – 2006.
- Volume of materials stored: 288,000 cubic yards; measurement date – 2006.
- Maximum height of management unit: 25 feet

b. Zero Liquid Discharge Pond:
- Surface area: 17.3 acres
- Total storage capacity: 515,000 cubic yards; measurement date – 2006.
- Volume of materials stored: 142,000 cubic yards; measurement date – 2006.
- Maximum height of management unit: 25 feet

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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).

a. Main Ash Pond: IPL is not aware of any known spills or unpermitted releases from this pond within the past 10 years. For purposes of this question, all discharges exiting the pond via the discharge point governed under the NPDES permit, including any water quality exceedances, are interpreted to be "permitted releases".

b. Zero Liquid Discharge Pond: IPL is not aware of any known spills or unpermitted releases from this pond within the past 10 years. For purposes of this question, all discharges exiting the pond via the discharge point governed under the NPDES permit, including any water quality exceedances, are interpreted to be "permitted releases".

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

a. The Operator is: Interstate Power and Light Company

b. The Owners are:

- Interstate Power and Light Company
- MidAmerican Energy Company

C. **Confidentiality of IPL's Response.**

As noted above, IPL requests that EPA treat the information submitted herein as "confidential business information".

* * * *

Please find attached the affidavit of John Larsen, Vice President-Generation, that is being submitted with this response to the information request. Please feel free to contact me at (319) 786-4686 if you have any questions concerning this response.

Very truly yours,

Daniel L. Siegfried
Managing Attorney

Enclosure: Iowa DNR Wastewater Compliance Inspection Report dated March 11, 2008.

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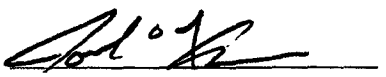
Certification

I certify that the information contained in this response to EPA's request for information and the accompanying documents is, based on my personal belief and my knowledge of the actions taken to respond to the information request and subject to the explanation that follows, true, accurate, and complete. The response points out ambiguities and other difficulties in responding to the request, and where that is true, a good faith effort has been made to provide information that is reasonably available and responsive to the request. As to the 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 reasonably 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.

Signature: 

Name: John O. Larsen

Title: Vice President - Generation

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