

US EPA ARCHIVE DOCUMENT

Dynegy Midwest Generation, Inc.
Baldwin Energy Complex
10901 Baldwin Road, P.O. Box 146
Baldwin, Illinois 62217

March 27, 2009



Via Overnight Delivery

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

**Re: Baldwin Energy Complex
Response to Request for Information Under CERCLA Section 104(e)**

Dear Mr. Kinch:

Dynegy Midwest Generation, Inc. (DMG), the owner and operator of Baldwin Energy Complex, submits this response to the U.S. EPA's March 9, 2009 Request for Information Under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9604(e), as received by Baldwin Energy Complex on March 13, 2009.

As an initial matter, DMG objects to each request to the extent it is vague, overly broad or too indefinite for reasonable interpretation, requests information protected by attorney-client privilege, work product doctrine, or any other privilege or protection, or is beyond the scope of EPA's authority pursuant to 42 U.S.C. 9604(e). Without waiving any of these objections, DMG provides below its response to each request for information concerning Baldwin Energy Complex.

In accordance with EPA's request, the information provided regarding Baldwin Energy Complex concerns 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.

Specifically, Baldwin Energy Complex has one surface impoundment system within the scope of EPA's information collection request. This ash pond system consists of five active cells.

US EPA ARCHIVE DOCUMENT

Mr. Richard Kinch
US Environmental Protection Agency
March 27, 2009
Page 2 of 7

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.

Response to Request No. 1:

The Ash Pond System at the Baldwin Energy Complex is not listed in the National Inventory of Dams (NID) database and does not otherwise have a potential hazard rating. The Ash Pond System is not regulated by any federal or state agency with regard to dam safety.

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

Response to Request No. 2:

The Ash Pond System at the Baldwin Energy Complex was commissioned (*i.e.*, began receiving ash) in 1970. Cell 2 was expanded in 1989.

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).

Response to Request No. 3:

The Ash Pond System at the Baldwin Energy Complex is designed to permanently contain materials in categories (1) fly ash, (2) bottom ash, (3) boiler slag, and (5) other. The category (5) other materials that discharge to the Ash Pond System consist of the following materials identified in Baldwin Energy Complex's National Pollutant Discharge Elimination System (NPDES) permit:

- Bottom ash transport water
- Flyash transport water
- Demineralizer regenerate water
- Unit 1 boiler sump
- Unit 1 boiler lowpoint drains
- Water treatment system wastes
- Sewage treatment effluent
- Oil/water separator (Stack No. 1)

Mr. Richard Kinch
US Environmental Protection Agency
March 27, 2009
Page 3 of 7

Miscellaneous discharges
Non-chemical metal cleaning wastes
Dredge spoils
Activated carbon treatment system effluent

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?

Response to Request No. 4:

The cells of the Baldwin Ash Pond System were designed by a Professional Engineer employed by Sargent & Lundy and constructed under the supervision of a registered Professional Engineer employed by Harza Engineering. In 2009, a Professional Engineer employed by URS Corporation inspected and assessed the safety of the Baldwin Energy Complex Ash Pond System.

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?

Response to Request No. 5:

DMG last assessed and evaluated the safety (i.e., structural integrity) of the Ash Pond System in February 2009. That assessment/evaluation was conducted by Ken Berry, a registered Professional Engineer employed by URS Corporation. Mr. Berry, a Senior Project Manager in the Geotechnical Engineering Group of URS Corporation, is a geotechnical engineer with experience in landslides, levees, foundations, geotechnical instrumentation, and general construction. His recent experience includes a design project for the New Orleans levees, a load test on an I-wall and levee in New Orleans, and investigations for 30 miles of levee analyses in the counties east of St. Louis, Missouri. Mr. Berry received his BSCE from North Carolina State University in 1989 and his MSCE (geotechnical) from Virginia

Mr. Richard Kinch
US Environmental Protection Agency
March 27, 2009
Page 4 of 7

Polytechnic Institute and State University in 1990. He is registered as a Professional Engineer in Missouri and Illinois and has been employed by URS Corporation since 1991.

DMG has not yet received URS' report of the February 2009 dam inspections at Baldwin Energy Complex. After receipt of URS' report, DMG will assign a Professional Engineer to ensure that all required corrective actions are implemented. At that time, DMG will determine whether company employees or contractors will be used to perform any identified corrective actions. DMG has not yet had the opportunity to develop or implement any corrective actions.

DMG plans to have a qualified Professional Engineer perform a safety (*i.e.*, structural integrity) inspection of the Baldwin Energy Complex Ash Pond System in 2010.

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.*

Response to Request No. 6:

To the best of DMG's knowledge, no federal or state agency regulatory official has inspected or evaluated the safety (structural integrity) of the Baldwin Energy Complex Ash Pond System. DMG is not aware of a planned state or federal inspection or evaluation of the Baldwin Energy Complex Ash Pond System in the future.

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.*

Response to Request No. 7:

No federal or state regulatory officials have conducted any assessment, evaluation or inspection of the Baldwin Energy Complex Ash Pond System within the past year.

Mr. Richard Kinch
US Environmental Protection Agency
March 27, 2009
Page 5 of 7

8. What is the surface area (acres) and total storage capacity of each of the management units? What is the volume of material 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). The basis for determining maximum height is explained later in this Enclosure.

Response to Request No. 8:

The Baldwin Energy Complex Ash Pond System has a total surface area of approximately 492 acres. The estimated design storage volume of each cell in the Ash Pond System at normal pool elevation is as follows: Cell 1 - 832 acre feet (ac-ft); Cell 2 - 960 ac-ft; Cell 3 - 1,920 ac-ft; Cell 4 - 204 ac-ft; and Cell 5 - 41.4 ac-ft. The total estimated design volume of the Baldwin Energy Complex Ash Pond System is 3,957.4 ac-ft. The estimated volume of materials currently stored in each cell is as follows: Cell 1 - 790 ac-ft; Cell 2 - 192 ac-ft; Cell 3 - 634 ac-ft; Cell 4 - 34 ac-ft; and Cell 5 - 4.6 ac-ft. Because no recent volume measurements have been taken for any of the cells in the Baldwin Energy Complex Ash Pond System, on or about March 23, 2009, a DMG-employed Professional Engineer estimated the material volumes in order to respond to this question.

The maximum height of the Baldwin Energy Complex Ash Pond System is approximately 55 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).

Response to Request No. 9:

To the best of DMG's knowledge, there have been no spills or unpermitted releases of coal combustion residues or byproducts to surface water or to the land from the Ash Pond System at Baldwin Energy Complex in the last ten years.

All discharges from the Ash Pond System in the last ten years in excess of Baldwin Energy Complex's NPDES permit limitations have been reported to the Illinois Environmental Protection Agency in accordance with NPDES permit reporting requirements. For purposes of responding to this request, DMG did not consider infrequent exceedances of NPDES permit pollutant discharge limits (e.g. TSS) to be "unpermitted releases" within the scope of the EPA's request and, thus, they are not identified in this response. To the extent EPA interprets

Mr. Richard Kinch
US Environmental Protection Agency
March 27, 2009
Page 6 of 7

this request differently, DMG objects to the request because it is vague, overly broad, and too indefinite for reasonable interpretation.

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

Response to Request No. 10:

Dynegy Midwest Generation, Inc. is the current legal owner and operator of Baldwin Energy Complex.

DRAFT 3/23/09
Attorney-Client Privileged & Confidential

Mr. Richard Kinch
US Environmental Protection Agency
March 27, 2009
Page 7 of 7

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In accordance with and for purposes of the following certification, all portions of this response are hereby identified as information for which the certifying authorized representative cannot personally verify their accuracy.

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.

Signature: Stan Sander

Name: STAN SANDER

Title: MANAGING DIR

cc: Rich Eimer, Executive Vice President, Generation Operations
Keith McFarland, Vice President, Midwest Fleet Operations
James Ingram, Vice President & Group General Counsel, Environmental