**Dynegy Midwest Generation, Inc.**
**Hennepin Power Station**
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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: Hennepin Power Station**
**Response to Request for Information Under CERCLA Section 104(e)**

Dear Mr. Kinch:

Dynegy Midwest Generation, Inc. (DMG), the owner and operator of Hennepin Power Station, 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 Hennepin Power Station on March 16, 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 Hennepin Power Station.

In accordance with EPA's request, the information provided regarding Hennepin Power Station 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, Hennepin Power Station has one surface impoundment system within the scope of EPA's information collection request. This ash pond system consists of two active cells.

*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 Hennepin Power Station is rated as Low in the National Inventory of Dams (NID) database. The Illinois Department of Natural Resources (IDNR) classifies dams in accordance with its own criteria. 17 Ill. Admin. Code § 3702.30(a)(1). The IDNR has determined that the Ash Pond System at Hennepin Power Station is a Class III small dam. IDNR Permit No. DS2004119 (Aug. 16, 2004). The IDNR's Class III rating corresponds to the U.S. Army Corps of Engineers low hazard potential category. 17 Ill. Admin. Code § 3702.30(a)(1)(C).

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

**Response to Request No. 2:**

The Ash Pond System at the Hennepin Power Station was commissioned (*i.e.*, began receiving ash) in 1995. The primary cell of the Ash Pond System was expanded in 2004.

*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 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 as identified in Hennepin Power Station's National Pollutant Discharge Elimination System (NPDES) permit:

Demineralizer regenerate wastes
Units 1 and 2 non-chemical metal cleaning wash water
Units 1 and 2 ash hopper overflow
Fly ash air separator overflow

Ash hopper tank overflow
Power block building floor drains and sump discharges
Reverse osmosis unit concentrate
Coal breaker building drain sump
Coal pile runoff
Units 1 and 2 low point drainoff
Crib house sump
Crib house plant sump

*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 two cells of the Ash Pond System were designed by and constructed under the supervision of a registered Professional Engineer employed by DMG or the previous owner/operator of Hennepin Power Station, Illinois Power Company. In 2009, a Professional Engineer employed by URS Corporation inspected and assessed the safety of the Ash Pond System. Prior to that, beginning in approximately 1995 and through 2006, the safety of the Ash Pond System was inspected every five years by a registered Professional Engineer employed by DMG or Illinois Power Company.

*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 March 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 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. Prior to 2009 (*i.e.,* beginning in approximately 1995 and through 2006), a registered Professional Engineer employed by DMG or Illinois Power Company (the previous owner/operator of Hennepin Power Station) with experience in dam safety inspected the safety of the cells of the Ash Pond System every five years.

DMG has not yet received URS' report of the March 2009 dam inspections at Hennepin Power Station. 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 safety (*i.e.,* structural integrity) inspections of the 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 Ash Pond System at Hennepin Power Station. DMG is not aware of a planned state or federal inspection or evaluation of the 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 Ash Pond System at Hennepin Power Station 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 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 Ash Pond System at Hennepin Power Station has a total surface area of approximately 20.5 acres. The estimated design storage volume of each cell in the Ash Pond System at normal pool elevation is as follows: Cell 1 - 510 acre feet (ac-ft); and Cell 2 – 52.5 ac-ft. The total estimated design volume of the Ash Pond System is 562.5 ac-ft. The estimated volume of materials currently stored in each cell is as follows: Cell 1- 439 ac-ft; and Cell 2 - 20 ac-ft. Because no volume measurements have been taken for any of the cells in the 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 each cell in the Ash Pond System is approximately as follows: Cell 1 - 34 feet; and Cell 2 - 34 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 Hennepin Power Station in the last ten years.

All discharges from the Ash Pond System in the last ten years in excess of Hennepin Power Station'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 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 Hennepin Power Station.

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: Ted Lindenbusch

Name: Ted Lindenbusch

Title: Plant Manager

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