IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF: INTERSTATE POWER AND LIGHT COMPANY – LANSING GENERATING STATION NPDES Permit #0300100	ADMINISTRATIVE CONSENT ORDER NO. 2016-WW- 08

TO: William Skalitzky
Manager, Environmental Services
Alliant Energy Corporate Services
4902 N. Biltmore Lane
Madison, WI 53718

I. SUMMARY

This administrative consent order ("Order") is entered into between Interstate Power and Light Company ("IPL") and the Iowa Department of Natural Resources ("DNR") for the purpose of establishing a binding schedule for IPL to eliminate the discharge of ash sluice water at its Lansing Generating Station facility ("Lansing Station"). Pursuant to this Order, IPL shall comply with the schedule contained herein.

Any questions regarding this Order should be directed to:

Relating to technical requirements:
David Schelling
NPDES Permits Section
Iowa Department of Natural Resources
502 E. 9th Street
Des Moines, Iowa 50319-0034
Ph. 515-725-8407

Relating to legal requirements:
John Crotty
Legal Services Bureau
Iowa Department of Natural Resources
502 E. 9th Street
Des Moines, Iowa 50319-0034
Ph. 515-725-8249

II. JURISDICTION

This Order is issued pursuant to Iowa Code section 455B.175(1) which authorizes the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division III, Part 1, and the rules promulgated or permits issued pursuant thereto.

III. STATEMENT OF FACTS

1. IPL owns and operates the Lansing Station facility located at 2320 Power Plant Drive, Lansing, IA 52151. The facility is a coal-powered steam electric generating station.

2. Lansing Station discharges wastewater pursuant to National Pollutant Discharge Elimination System ("NPDES") permit #0300100. The permit contains technology-based limits for the pollutant parameter Total Suspended Solids ("TSS"). The permit allows TSS limits to be met on a net-basis, which means Lansing Station may take credit for the TSS levels in the intake water it draws from the Mississippi River. Compliance with the permit's TSS limits is determined based on the amount of TSS added during the facility's production process.

3. When the existing permit was issued in 1998, the waterbody which receives the facility's discharge was considered to be a backchannel of the Mississippi River. In 2010, however, a Use Attainability Analysis re-classified the waterbody as an unnamed creek.

4. Federal regulations allow permit limits to be calculated on a net-basis only when a facility's intake water is drawn from the same waterbody which receives the wastewater discharge. Because the receiving waterbody is now listed as an unnamed creek, instead of a backchannel of the Mississippi River, the next NPDES permit issued to the facility must include TSS limits calculated on a gross-basis. The facility will not be able to comply with the new permit's gross-basis TSS limits.

5. IPL has proposed to replace Lansing Station's existing wet ash handling system with a dry ash handling system. This modification will eliminate the discharge of ash sluice water, which is the main TSS-bearing waste stream at the facility. It is expected that this modification will enable the facility to comply with the new permit's gross-basis TSS limits.

6. DNR expects to issue a new NPDES permit to Lansing Station with gross-basis TSS limits on approximately June 1, 2016. IPL has requested that this Order be issued concurrently with the permit issuance.

IV. CONCLUSIONS OF LAW

DNR and IPL agree that the following Conclusions of Law are applicable to this matter:

1. Both federal and state regulations allow a facility time to comply when a new or more stringent effluent limitation is specified in a permit. See 40 Code of Federal Regulations § 122.47 and 567 Iowa Administrative Code ("IAC") 64.7(4). Any schedule

of compliance must require compliance as soon as possible, but not later than the statutory deadlines specified in the Clean Water Act ("CWA").

2. CWA § 301 requires that compliance with effluent limits established on the basis of CWA § 301(b)(1)(A)(i) [BPT], § 301(b)(2)(A)(i) [BAT] or § 301(b)(2)(E) [BCT] be achieved no later than July 1, 1977, March 31, 1989, and March 31, 1989 respectively. The proposed effluent limitations for TSS are technology-based limitations that represent BPT/BCT and compliance was required by March 31, 1989.

3. Compliance schedules not in accordance with the statutory provisions of the CWA cannot be included in an NPDES permit. A schedule must instead be established by administrative order.

V. ORDER

DNR and IPL hereby agree, and IPL is hereby ordered to make modifications to Lansing Station according to the following schedule:

1. By December 31, 2018, IPL shall cease the discharge of pollutants in fly ash transport water.

2. By December 31, 2021, IPL shall cease the discharge of pollutants in bottom ash transport water.

VI. PENALTY

1. Iowa Code section 455B.191 authorizes the assessment of civil penalties of up to $5,000.00 per day of violation for violations of an NPDES permit.

2. Iowa Code section 455B.109 authorizes the Environmental Protection Commission ("Commission") to establish by rule a schedule of civil penalties up to $10,000.00 that may be assessed administratively. The Commission has adopted this schedule with procedures and criteria for assessment of penalties at 567 IAC chapter 10. DNR has determined that a penalty is not appropriate at this time. Any economic benefit achieved by IPL is minimal and the schedule in this Order will result in compliance with permit limits as quickly as possible. The more stringent TSS limits are being put in place due to DNR's reclassification of the receiving waterbody. IPL was not aware that net-basis TSS limits would be eliminated in the new permit until DNR provided a proposed version of the permit. DNR finds no gravity or culpability basis for a penalty at this time.

3. DNR is authorized to issue an administrative order with penalties for noncompliance with this Order or to seek referral to the Iowa Attorney General for the initiation of a District Court action seeking such penalties and injunctive relief.

VII. WAIVER OF APPEAL RIGHTS

Iowa Code section 455B.175(1) and 561 IAC 7.4(1), as adopted by reference by 567 IAC chapter 7, authorize a written notice of appeal to the Commission. This Order is entered into knowingly by and with the consent of IPL. By signing this Order, all rights to appeal this Order are waived.

VIII. NONCOMPLIANCE

Failure to comply with this Order may result in the imposition of administrative penalties pursuant to an administrative order or referral to the Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code 455B.191.

Chuck Gipp

CHUCK GIPP, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this 12th day of May, 2016

Matthew P Cole

INTERSTATE POWER AND LIGHT COMPANY

Dated this 5th day of May, 2016

NPDES #0300100; Field Office #1; John Crotty; EPA