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Environmental Protection Agency
1200 Pennsylvania Avenue,
N.W. Washington, DC 20460

RE: EPA-HQ-OW-2009-0819 – Deadline Extensions for Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category

The Iowa Environmental Council submits the following comments on the Environmental Protection Agency’s proposal to postpone compliance deadlines for the Effluent Limitation Guidelines (“ELG”) for steam electric generating facilities, Docket ID EPA-HQ-OW-2009-0819. The Iowa Environmental Council (“IEC”) is an alliance of more than 100 organizations, over 500 individual members, and an at-large board of farmers, business owners, and conservationists. IEC works to build a safe, healthy environment and sustainable future for Iowa. Our members care about air and water quality across the state, and they hike, recreate, and enjoy the outdoors in Iowa and beyond.

IEC has significant interests in ensuring that there are regulations and enforcement in place to protect human health and the environment, and appreciates the opportunity to comment on behalf of Iowa’s residents and environment. The 2024 ELG Rule’s zero discharge requirement for coal ash leachate is critical for protecting public health and water quality, and any delay in its implementation would prolong and heighten the risk of contamination in communities in Iowa and across the nation.

Our experience in Iowa demonstrates that the 2024 ELG Rule sets feasible requirements for utilities and is necessary to ensure that coal plant owners cease discharge of combustion residual leachate (“CRL”) in a timely manner.

The 2024 ELG Rule is Reasonable.

Iowa utilities have demonstrated that compliance with the 2024 ELG rule is feasible. In 2023, MidAmerican Energy conducted an Antidegradation Alternatives Analysis that evaluated discharge of CRL from the George Neal Energy Center into the Missouri River. The George Neal ponds that hold CRL rely on evaporation to prevent a discharge, but MidAmerican sought a change to its process that would allow a new discharge under the coal plant’s National Pollution Discharge Elimination System permit. The wastewater contained the typical toxic pollutants found in leachate, including arsenic, mercury, and other heavy metals.

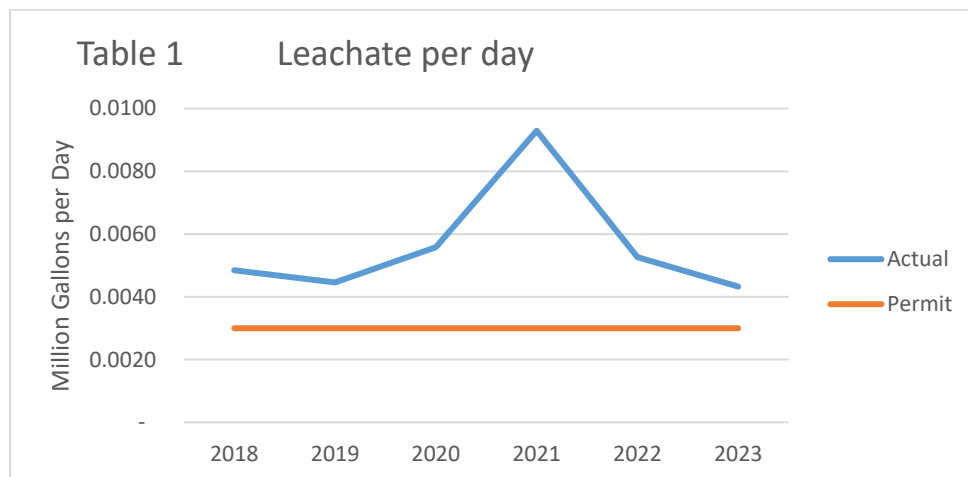
IEC and the Environmental Law & Policy Center (“ELPC”) provided comments arguing that the discharge was unnecessary. Rather than proceed with the permitting process, MidAmerican Energy withdrew its proposal.¹ It has continued to avoid discharge of CRL ever since. This example shows that utilities can choose to protect clean water at reasonable cost when strong environmental standards and public accountability are in place.

The 2024 ELG Rule is Necessary to Ensure Timely Cessation of Discharges.

Experience in Iowa demonstrates that adoption and enforcement of the ELGs will be necessary to stop discharges of the harmful pollutants in combustion residual leachate. In the absence of strong ELGs, utilities will avoid zero-discharge solutions and instead rely on dilution.

For years, Alliant Energy’s subsidiary Interstate Power and Light (“IPL”), an investor-owned utility in Iowa, discharged untreated combustion residual leachate into the Des Moines River. IPL stored the leachate in a storage pond at a coal ash landfill without a direct discharge to surface water.²

The CRL was trucked to the Ottumwa Generating Plant, combined with other on-site wastewater, and discharged to the Des Moines River.³ The facility’s 2018 NPDES permit established permit limits based on a CRL volume of 0.003 mgd. Over the following five years, the facility’s reported volume consistently exceeded that amount. In addition to high flows, arsenic reached as high as 30 mg/L, nearly four times the proposed ELG concentration.⁴



¹ Comments on the Antidegradation Alternatives Analysis for Neal North, <https://www.iaenvironment.org/webres/File/MEC%20Antidegradation%20Comments-IEC-ELPC.pdf>

² See “Draft NPDES Permit No. 9000101 for Interstate Power & Light Ottumwa Generating Station,” Iowa DNR (Apr. 4, 2024), at 5; “Rationale for NPDES Permit,” Iowa DNR (Apr. 4, 2024), at 1.

³ “Draft NPDES Permit No. 9000101 for Interstate Power & Light Ottumwa Generating Station,” Iowa DNR (Apr. 4, 2024), at 4, 5.

⁴ Alliant Energy, “2023 Annual Water Quality Report,” Nov. 30, 2023, at 426, available at <https://programs.iowadnr.gov/solidwaste/OpenText/DownloadDocument/108359>.

In 2024, Iowa DNR released a draft permit that would allow a continued discharge of CRL.⁵ The permit did not propose a compliance schedule to reduce or eliminate the discharge. IEC commented on the permit and called for a schedule to cease CRL discharges and to adopt a zero-discharge approach, as identified in EPA’s proposed 2024 ELGs.

Instead of adopting the best available technology, IPL decided to truck the CRL to the municipal wastewater treatment facility. This is a costly and impermanent solution to address the CRL wastewater. Those costs – as well as the pollution – ultimately fall on the public responsible for covering the utility’s expenses. The public needs strong ELGs to protect against such harms.

In addition to IPL’s acknowledged CRL discharges, IEC, Sierra Club, and ELPC (collectively “Environmental Organizations”) found that the utility had been discharging its underdrain water containing leachate under a stormwater general permit for uncontaminated groundwater. However, the leachate contains hazardous metals, including arsenic, barium, boron, calcium, cobalt, iron, lithium, magnesium, manganese, molybdenum, and zinc that threaten aquatic ecosystems and drinking water sources of downstream communities like Ottumwa.⁶

After a 60-day Notice of Intent to Sue filed by the Environmental Organizations on March 2025, IPL agreed to stop this direct discharge.⁷ However, the company began hauling the same leachate to the Ottumwa wastewater treatment facility, which is not equipped or permitted to treat coal ash pollutants. This approach circumvents the intent of the ELG rule and transfers environmental and financial burdens to the City of Ottumwa and its residents who rely on the Des Moines River for their drinking water.

In July 2025, the Environmental Organizations submitted comments to the Iowa Department of Natural Resources (“Iowa DNR”) on IPL’s Ottumwa Generating Station’s National Pollutant Discharge Elimination System (“NPDES”) permit.⁸ The Environmental Organizations provided site-specific evidence that the facility is actively discharging both managed and unmanaged coal ash leachate with significant heavy metal exceedances. For example, arsenic levels exceeded the drinking water standard at 0.18 ug/L by more than ten times.⁹ In its own antidegradation analysis, IPL evaluated zero-discharge and other treatment options for the facility, confirming technological feasibility.

In October 2025, the Iowa DNR finalized IPL’s NPDES permit that fails to include numeric limits or to ensure compliance with the federal zero-discharge standard mandated under the 2024 ELG Rule.¹⁰ Instead of requiring Alliant to comply with the ELG rule, the Iowa DNR is allowing the continued routing of untreated leachate to the publicly owned treatment works and placing

⁵ *Id.*

⁶ Alliant Energy, 2024 Annual Water Quality Report, at pdf pages 43 and 437, available at <https://programs.iowadnr.gov/solidwaste/OpenText/DownloadDocument/111409>.

⁷ Notice of Violation and Intent to Sue under Clean Water Act, <https://www.iaenvironment.org/webres/File/2025%20Ottumwa%20Notice%20Letter.pdf>

⁸ NPDES Ottumwa Comments, https://www.iaenvironment.org/webres/File/07_02_2025%20NPDES%20Ottumwa%20Comments.pdf

⁹ Alliant Energy, 2024 Annual Water Quality Report, at pages 43 and 437.

¹⁰ 9000101 (2025-10-1) IPL Ottumwa Final Amended Permit, <https://programs.iowadnr.gov/wwpie/Admin/PermitDetails?permitID=9838>

responsibility for federal compliance on the municipal facility. This underscores why a strong, timely, and enforceable ELG Rule is urgently needed to hold utilities accountable for their coal pollution.

Conclusion

Extending the ELG compliance deadlines would send the wrong signal to utilities that delay is acceptable, even as contamination continues. The public deserves clean, safe water, and not more years of uncertainty and pollution.

IEC therefore respectfully urges the EPA to reject the proposed extension of compliance deadlines for the 2024 ELG rule, enforce the zero-discharge standard for coal ash leachate as currently required, and ensure that facilities like IPL's Ottumwa Generating Station achieve full compliance without burdening municipal systems or exposing communities to continued risk.

The 2024 ELG rule represents a long-overdue step toward accountability and clean water for all. Please uphold it without delay. Thank you for the opportunity to comment.

Sincerely,

/s/ Raihan Rashidi

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Iowa Environmental Council

/s/ Michael Schmidt

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