



## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree under the Clean Air Act

On July 15, 2015, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of Iowa in the lawsuit entitled *United States, et al. v. Interstate Power and Light Company*, Civil Case No. 1:15-cv-00061 (N.D. Iowa). The State of Iowa, Linn County Iowa, and the Sierra Club are co-plaintiffs in the case.

In this civil enforcement action under the federal Clean Air Act (“Act”), the United States alleges that Interstate Power and Light Company (“Defendant”), failed to comply with certain requirements of the Act intended to protect air quality at power plants in Iowa. The complaint seeks injunctive relief and civil penalties for violations of the Clean Air Act’s Prevention of Significant Deterioration (“PSD”) provisions, 42 U.S.C. sections 7470-92, and various Clean Air Act implementing regulations. Specifically, the complaint alleges that Defendant failed to obtain appropriate permits and failed to install and operate required pollution control devices to reduce emissions of sulfur dioxide (“SO<sub>2</sub>”) and/or nitrogen oxides (“NO<sub>x</sub>”) at the company’s Ottumwa and Lansing plants.

The proposed Consent Decree would resolve violations for certain provisions of the Act at the Ottumwa and Lansing plants as well as Defendant’s five other coal-fired power plants in Iowa: the Burlington, Dubuque, M.L. Kapp, Prairie Creek, and Sutherland plants. The proposed Consent Decree would require the Defendant to reduce harmful SO<sub>2</sub>, NO<sub>x</sub>, and particulate matter emissions from these seven plants through the installation and operation of pollution controls and

conversions to natural gas or retirements. The Defendant will also spend \$6,000,000 to fund environmental mitigation projects that will further reduce emissions and benefit communities adversely affected by the pollution from the plants, and pay a civil penalty of \$1,100,000.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, et al. v. Interstate Power and Light Company*, Civil Case No. 1:15-cv-00061 (N.D. Iowa), D.J. Ref. No. 90-5-2-1-10594. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by e-mail or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By e-mail	pubcomment-ees.enrd@usdoj.gov
By mail	Assistant Attorney General U.S. DOJ – ENRD P.O. Box 7611 Washington, D.C. 20044-7611

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: <http://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to:

Consent Decree Library  
U.S. DOJ – ENRD  
P.O. Box 7611  
Washington, D.C. 20044-7611.

Please enclose a check or money order for \$ 29.50 (25 cents per page reproduction cost) payable to the United States Treasury.

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