

APPENDIX B
RESPONSES TO SCOPING LETTERS

This page intentionally left blank.

FWS/RIFO

March 5, 2003

John H. Kersten
Department of Energy
Golden Field Office
1617 Cole Boulevard
Golden, Colorado 80401-3393

Dear Mr. Kersten:

This is in response to your letter of February 14, 2003, requesting our input regarding federally threatened and endangered species for the proposed action of building new facilities on previously disturbed Ottumwa Generating Station plant property.

The federally threatened bald eagle (*Haliaeetus leucocephalus*) and endangered Indiana bat (*Myotis sodalis*) are known to occur in Wapello County, Iowa.

The threatened bald eagle is listed as breeding in the following counties in Iowa: Allamakee, Black Hawk, Clayton, Dubuque, Fremont, Iowa, Jackson, Jefferson, Howard, Linn, Lucas, Washington and Winneshiek. Potentially, it may also be found to breed in Benton, Delaware, Jones, Mahaska, Marion, Sac and Webster counties.

It is also listed as wintering along large rivers, lakes, and reservoirs in the following Iowa counties: Allamakee, Appanoose, Clayton, Clinton, Des Moines, Dubuque, Fremont, Hardin, Harrison, Johnson, Lee, Linn, Louisa, Mahaska, Marion, Monona, Muscatine, Polk, Pottawattamie, Scott, Van Buren, Wapello, and Woodbury.

During the winter, this species feeds on fish in the open water areas created by dam tailwaters, the warm water effluents of power plants and municipal and industrial discharges, or in power plant cooling ponds. The more severe the winter, the greater the ice coverage and the more concentrated the eagles become. They roost at night in groups in large trees adjacent to the river in areas that are protected from the harsh winter elements. They perch in large shoreline trees to rest or feed on fish. There is no critical habitat designated for this species. The eagle may not be harassed, harmed, or disturbed when present nor may nest trees be cleared.

In Iowa, the Indiana bat is known to occur in Appanoose, Clarke, Davis, Decatur, Des Moines, Henry, Jasper, Jefferson, Keokuk, Lee, Louisa, Lucas, Madison, Mahaska, Marion, Monroe, Muscatine, Ringgold, Union, Van Buren, Wapello, Warren, Washington, and Wayne or portions of these counties south of Interstate 80. It could potentially occur in counties of Adair, Adams, Audubon, Cass, Cedar, Dallas, Fremont, Guthrie, Harrison, Iowa, Johnson, Mills, Montgomery, Page, Polk, Pottawattamie, Poweshiek, Scott, and Taylor.

During the summer, the Indiana bat frequents the corridors of small streams with well-developed riparian woods as well as mature upland forests. It forages for insects along the stream corridor, within the canopy of floodplain and upland forests, over clearings with early successional vegetation (old fields), along the borders of croplands, along wooded fencerows, and over farm ponds and in pastures. It has been shown that the foraging range for the bats varies by season, age, and sex and ranges up to 81 acres (33ha). It roosts and rears its young in cavities and beneath the loose bark of some live species of trees and those of large dead or dying trees. It winters in caves and abandoned mines.

An Indiana bat maternity colony typically consists of a primary roost tree and several alternate roost trees. The use of a particular tree appears to be influenced by weather conditions (temperature and precipitation). For example, dead trees found in more open situations were used more often during cooler or drier days while interior live and dead trees were selected during periods of high temperature and/or precipitation. It has been shown that pregnant and neonatal bats do not thermoregulate well and the selection of the roost tree with the appropriate microclimate may be a matter of their survival. The primary roost tree, however, appears to be used on all days and during all weather conditions by at least some bats. Indiana bats tend to be philopatric, i.e. they return to the same roosting area year after year.

Suitable summer habitat in Iowa is considered to have the following characteristics within a ½ mile radius of the project site:

- 1) forest cover of 15% or greater;
- 2) permanent water;
- 3) one or more of the following tree species 9 inches diameter at breast height (dbh) or greater: shagbark and shellbark hickory that may be dead or alive, and dead bitternut hickory, American elm, slippery elm, eastern cottonwood, silver maple, white oak, red oak, post oak, and shingle oak with slabs or plates of loose bark.
- 4) at least 1 potential roost tree per 2.5 acres;
- 5) potential roost trees must have greater than 10% coverage of loose bark (by visual estimation of peeling bark on trunks and main limbs) or cavities.

Habitat for the bald eagle and the Indiana bat does not appear to occur in the project site.

I have sent a corrected copy of the table that you included for review. Please see attached copy.

These comments provide technical assistance only and do not constitute a report of the Secretary of the Interior on a project within the meaning of Section 2(b) of the Fish and Wildlife

Chariton Valley Biomass Project

Coordination Act, do not fulfill the requirements under Section 7 of the Endangered Species Act, nor do they represent the review comments of the U.S. Department of the Interior on any forthcoming environmental statement.

If you have any questions regarding our comments, please contact Ginger Molitor of my staff at (309) 793-5800 ext. 513.

Sincerely,

Richard C. Nelson
Supervisor

Enclosure



A Division of the Iowa Department of Cultural Affairs

March 25, 2003

**In reply refer to:
R&C#: 030290082**

Joyce Beck, NEPA Documents Manager
U.S. Department of Energy
Golden Field Office
1617 Cole Blvd.
Golden, Colorado 80401

RE: DOE – WAPELLO COUNTY – NOTICE OF SCOPING– SWITCHGRASS CO-FIRE
TESTING AT OTTUMWA GENERATING STATION, CHILLICOTHE, IA – SECS. 25, 26,
27, 35, & 36, T73N-R15W

Dear Ms. Beck,

We have received information regarding the above-referenced project for our consideration. Thank you for providing the Iowa State Historic Preservation Office (SHPO) with the opportunity to review this undertaking. We make the following **comments** and **recommendations** based on our examination of this material and in accordance with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations 36 CFR part 800 (revised, effective January 11, 2001).

Proposed New Facilities at the Ottumwa Generating Station

According to our records, a Phase I archaeological survey (R&C#:750090000) was conducted on the entire property of the Ottumwa Generating Station at Chillicothe, Iowa. A total of 15 archaeological sites were identified as part of the Phase I archaeological surveys. Ten of these sites (13WP15, 13WP16, 13WP17, 13WP18, 13WP19, 13WP21, 13WP23, 13WP25 prehistoric component, 13WP26, and 13WP27) were recommended as not eligible for listing on the National Register of Historic Places and no further work was recommended for these sites. Additional investigations in the form of archaeological excavations were recommended for four sites: 13WP13, 13WP14, 13WP22, and 13WP25 historic component. Site 13WP28 was considered to be eligible for listing on the National Register of Historic Places and significant enough to warrant preservation. No further work was recommended for this site as it was not going to be affected by the proposed construction activities at that time. Site 13WP28 is still considered by our office to be eligible for listing on the National Register of Historic Places. As far as our office is aware, this site has been preserved. Sites 13WP13, 13WP14, 13WP22, and 13WP25 were mitigated as part of the original project and are no longer considered eligible for listing on the National Register.

Based on your proposed project information, it is difficult to assess whether the proposed construction activities will affect site 13WP28, the only remaining site on the property that is considered eligible for listing on the National Register. We encourage you to consult with the Office of the State Archaeologist (Colleen Eck, Site Records Manager at the UI-OSA (319) 384-0735)) to conduct a site background check to determine whether site 13WP28 will be affected by the proposed project. If site 13WP28 will be located within the Area of Potential Effect for the undertaking, we look forward to further consulting

with your agency on whether the site will be affected by the proposed undertaking in accordance with 36 CFR 800.5. If this site will be adversely affected by the proposed project, your agency will need to consider alternatives for resolving any adverse effects at the site in accordance with 36 CFR 800.6, including possibilities such as redesigning the project to avoid the site or developing a data recovery plan for mitigating the adverse effects at the site.

Proposed Action's Corollary Activities

At this time, it is difficult to assess whether any of the proposed corollary activities associated with the action such as growing and harvesting switchgrass in the Rathbun Lake watershed will affect any significant historic properties. My personal experience with growing switchgrass has indicated that establishing switchgrass tracts actually helps stabilize and preserve archaeological sites. Harvesting switchgrass can be done under certain conditions that would either not affect or not adversely effect significant archaeological sites at all. We recommend that your agency should consider developing a Programmatic Agreement with our agency to further explore these issues and to help streamline the future Section 106 consultation process for these future corollary activities. Also, if other federal agencies will be involved with these future undertakings, such as growing switchgrass on U.S. Army Corps of Engineer's property or easement ground, we would encourage the other federal agencies to participate in the development and implementation of a Programmatic Agreement.

Please reference the Review and Compliance Number provided above in all future submitted correspondence to our office for this project. We look forward to further consulting with you as part of the Section 106 consultation process for this project. Should you have any questions please contact me at the number below.

Sincerely,

Douglas W. Jones, Archaeologist
Community Programs Bureau
(515) 281-4358

Chariton Valley Biomass Project



OFFICE OF THE
STATE ARCHAEOLOGIST

700 Clinton Street Building
Iowa City, Iowa 52242
319-384-0732 Fax 319-384-0768
osa@uiowa.edu
www.uiowa.edu/~osa

Tuesday, April 01, 2003

William Fallon
Battelle Memorial Institute
822 Jonker Ct.
Gaithersburg MD 20878-

Ref: WP Wapello Iowa Site File Search No. 2003120

Dear William:

I have conducted a search of the Iowa Site File for archaeological sites recorded within a one-mile radius of the project area described in your request for search on 4/1/2003. This area is within 73N-15W Section 26. Our records indicate that five archaeological sites have been reported to the OSA within or near the project location. Twenty sites were recorded within one mile of that location at the time of the site records search. Other archaeological sites may be present at or near the project location but have not been discovered or reported to the OSA. A summary of site information is included with this letter along with a map of site locations and previously surveyed areas.

If you have not already done so, you may wish to consult with the State Historic Preservation Office (SHPO) to determine whether an archaeological survey may be needed. In the event that previously unidentified archaeological resources are discovered during ground disturbing activities on projects complying with Section 106 of the National Historic Preservation Act or other applicable federal and state laws, construction work should cease in the area of the resource and in the surrounding area where further subsurface remains can reasonably be expected to occur. The responsible federal or state agency and State Historic Preservation Office should be immediately notified and consulted about the discovery.

If during the course of construction or earthmoving signs of a human burial are encountered, those activities should be stopped at once and the Office of the State Archaeologist should be contacted immediately. Human burials may potentially include bone, ashes, or subterranean structures with or without overlying mound structures. All human burials in the state of Iowa are legally protected under Chapters 263B, 566, and 716 of the Iowa Code.

Should you need more information about a particular site, you may write to me including the appropriate site number in your request. Since every county has a different series of site numbers, be sure to include the full trinomial site designation in your request. This designation takes the form of 13XY### where XY is the county abbreviation and ### is the order in which site reports are received for a given county.

The information in this letter is intended to assist you in fulfilling any local, state, or federal laws and regulations related to archaeological sites concerning historic preservation such as Section 106 of the National Historic Preservation Act and to assist avoidance of any burial sites potentially located within the subject area. Prior to any federal undertaking, all archaeological sites should be evaluated for their National Register eligibility. Federal undertakings include but are not limited to projects receiving any federal financial support, technical assistance, licenses, or permits received by private landowners or permits received by private landowners or federal, state, or local governments. The State Historical Preservation Officer (SHPO) would need to be contacted for details about the final determination of significance for any site to be affected by a federal undertaking. This letter is not meant to confirm or deny that any applicable requirements have been met.

Sincerely,

A handwritten signature in cursive script that reads "Colleen Eck".

Colleen Eck
Site Records Manager
enclosure

Chariton Valley Biomass Project

Sites within or near Project location

SITE	CulturalAffiliation	Site Type	UTM X	UTM Y	DTYPE
13WP18	Prehistoric	Open habitation	537402.2088	4549258.386	circle
13WP19	Prehistoric	Open habitation	536902.374	4548234.545	inverted triangle
13WP25	Historic Euro-American	Historic farm/residence	537124.2941	4549196.886	circle
13WP85	Late Archaic	Open habitation	537055.7213	4549100.121	circle
13WP341	Historic Euro-American	Historic scatter	537364.6723	4548360.228	polygon

Sites within 1 mile of Project location

SITE	CulturalAffiliation	Site Type	SITEAREA	DTYPE
13WP13	Late Woodland	Prehistoric scatter	8170.868	circle
13WP14	Middle Woodland	Prehistoric scatter	389.711	inverted triangle
13WP15	Prehistoric	Open habitation	4071.297	circle
13WP16	Prehistoric	Open habitation	8379.622	polygon
13WP21	Prehistoric	Open habitation	4071.297	circle
13WP22	Historic	Historic scatter	4071.297	circle
13WP22	Prehistoric	Prehistoric scatter	4071.297	circle
13WP23	Prehistoric	Open habitation	4071.297	circle
13WP24	Woodland	Mounds: conical	4071.297	circle
13WP26	Archaic	Prehistoric scatter	2941.512	circle
13WP27	Archaic	Prehistoric scatter	1661.818	circle
13WP28	Historic Euro-American	Historic farm/residence	1030.263	polygon
13WP44	Woodland	Prehistoric scatter	32715.526	polygon
13WP46	Prehistoric	Prehistoric scatter	2909.885	polygon
13WP69	Prehistoric	Mounds: conical	314.143	dot
13WP70	Prehistoric	Prehistoric scatter	1468.631	polygon
13WP71	Prehistoric	Prehistoric scatter	314.143	dot
13WP72	Prehistoric	Prehistoric scatter	314.143	dot
13WP73	Historic Euro-American	Historic scatter	314.143	dot
13WP73	Historic Euro-American	Structure/building remains	314.143	dot
13WP74	Prehistoric	Prehistoric scatter	389.711	inverted triangle
13WP114	Early Archaic	Prehistoric scatter	1800.027	polygon
13WP114	Early Woodland	Prehistoric scatter	1800.027	polygon

Dtype definitions

Polygon:	Boundaries and location known
Triangle:	Location not certain
Inverted Triangle:	Location known, boundaries unknown
Dot: (10 m radius)	Location known, area < 20 m in any direction
Circle:	Location and site area known, exact boundaries not known

Chariton Valley Biomass Project

Joyce Beck, NEPA Documents Manager
U.S. Department of Energy
Golden Field Office
1617 Cole Blvd.
Golden, CO 80401

Ms. Beck -

This e-mail represents the Iowa Department of Natural Resources' comments on the above referenced document. I apologize the lateness of our comments.

Protected Species, Rare Natural Communities, State Lands and Waters

The McNeese Wildlife Area (Wapello CCB property) is located approximately 3,500 feet SW of the project area.

We have search our records of the project area and found no site-specific records of rare species or significant natural communities. However, our data are not the result of through field surveys. If listed species or rare communities are found during the planning or construction phases, additional studies and/or mitigation may be required.

Any questions regarding these comments should be directed to Keith Dohrmann at 515/281-8967 or keith.dohrmann@dnr.state.ia.us.

Storm Water

Effective March 10, 2003, any construction activity that bares the soil of an area greater than or equal to one acre; including clearing, grading or excavation; may require a storm water discharge permit from the Department. For more information regarding this matter, please contact Ruth Rosdail at 515/281-6782 or ruth.rosdail@dnr.state.ia.us.

Air Quality

Please refer to the attached document, which address air construction permit, transition to phase 3, asbestos, open burning and fugitive dust. Questions or comments regarding this document should be submitted to Monica Wnuk at 515/281-7212 or monica.wnuk@dnr.state.ia.us.

Energy

Question - What is happening to the old switchgrass barn? Is it too small? Response to this question may be directed to Angela Chen at 515/281-4736 or angela.chen@dnr.state.ia.us.

This e-mail represents a record of review of your project and project area by personnel representing the Environmental Services Division and Conservation and Recreation Division of the Department. This review does not constitute a permit you may need to obtain from the Department or other state and federal agencies, nor does this substitute any applicable permit requirements. Thank you for the opportunity to comment on this project. If you need any additional information, please don't hesitate to contact me.

Sincerely,

Scott J. Vander Hart, Executive Officer
Environmental Services Division
Iowa Department of Natural Resources
Phone: 515.281.5325; Fax: 515.281.6794
www.iowadnr.com

Potential Air Quality related Issues - Phase 2 and Phase 3 Trial Burns involving coal –switchgrass blend at the Ottumwa Generating Station

- **Existing Construction Permit Issues**

As the existing boiler is covered by a PSD permit issued by the US EPA, the DNR has contacted the Kansas City office of the upcoming environmental assessment. The Region VII US EPA office's primary objectives are as follows:

“As we've expressed to the company in past messages and letters, two primary objectives to us are (1) protection of the national ambient air quality standards [NAAQSs] and (2) the development, as quickly as possible, of emission rates for purposes of setting emission limits and for purposes of determining if the alternative fuel use will trigger PSD applicability.”

Regarding the emission rates, the test report for the initial trial burn indicates an increase of carbon monoxide (CO) emissions which exceed the PSD regulation's significant increase amount of 100 tpy for CO. However, the initial burn may have been suspect from an operational standpoint and, as a result, the resulting measured emissions may not be representative of the true operating scenario with the switchgrass blend.

The EPA would be agreeable to additional trial burns if it is demonstrated, using appropriate dispersion modeling studies, that the 1-hour and 8-hour CO NAAQSs were not exceeded during the initial burn period. Conservative modeling performed by the department using the latest version of the EPA's SCREEN3 model indicates that the predicted 1-hr and 8-hr impacts at the maximum CO emission rate noted in the trial burn summary report (64.2 lb/hr) are much less than the 1-hr and 8-hr CO PSD significant impact levels of 2,000 ug/m³ and 500 ug/m³, respectively. Therefore, CO impacts from the combustion of the switchgrass blend in the boiler are not a concern at this time.

The EPA will also consider rationale from the department and/or the source as to why lesser emissions of CO will probably be generated during trial burns to follow. Without such rationale, the EPA will take the position that blended fuel use will routinely generate CO emissions similar to those measured during the initial burn and that the blended fuel in question (i.e., coal and switch grass blends) triggers the need for a PSD permit.

If the PSD regulation applies to the blended fuel proposal, the company should not be allowed to begin construction of activities which are prohibited by the PSD regulation prior to obtaining a PSD permit.

In summary, the initial trial burn, while possibly not representative, showed a significant CO emission increase. A demonstration should be made that further burns are likely to show lower CO emission levels.

- **New Construction Permitting Requirements**

Sources of air emissions are required to be covered by an air quality construction permit. The regulations that cover the permitting requirements are found in Chapter 22 [IAC 567]. If the project includes any new emission units, they may be subject to these construction-permitting requirements.

As some of the emissions from the trial burn activities may generally require construction permits, we recognize that these emission units may be of a temporary nature. You are encouraged to apply for a waiver from the construction permitting requirements if any of those emission units exist. In particular, it is unclear if the baghouse emissions from the switchgrass handling operations are covered by an existing construction permit.

- **Transition to Phase 3**

The department requests that additional details be provided on what assessment will be made of the Phase 1 and Phase 2 results to determine if the Phase 3 will be pursued.

- **Asbestos**

Demolition of any buildings will trigger the National Emission Standards for Hazardous Air Pollutants (NESHAPS) for asbestos. Regulations apply before renovation and demolition projects begin. Before renovation or demolition, a thorough asbestos inspection is required. Thorough inspection means all suspect asbestos containing materials require sampling and laboratory analysis or are assumed to contain asbestos and handled in accordance with the regulation. All facility demolitions require submission of a two-page demolition notification form to the Department of Natural Resources (DNR), even if no asbestos is found. Upon postdate of submitted forms, ten working days must pass before any disturbance of asbestos containing material takes place. Before demolition or renovation occurs, asbestos-containing materials must be removed. If the asbestos requirements listed above will apply to this project and you need more information, the Department's Asbestos Program Coordinator is Marion Burnside, (515) 281-8443.

- **Open Burning**

The department regulates open burning. "Open burning" is the burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack. The regulations are contained in 567 Iowa Administrative Code rule 23.2 [567] and are provided below in case they are applicable to this project.

567—23.2(455B) Open burning.

23.2(1) Prohibition. No person shall allow, cause or permit open burning of combustible materials, except as provided in 23.2(2) and 23.2(3).

23.2(2) Variances from rules. Any person wishing to conduct open burning of materials not exempted in 23.2(3) may make application for a variance as specified in 567—subrule 21.2(1).

23.2(3) Exemptions. The following shall be permitted unless prohibited by local ordinances or regulations.

a. Disaster rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.

b. Trees and tree trimmings. The open burning of trees and tree trimmings not originated on the premises provided that the burning site is operated by a local governmental entity, the burning site is fenced and access is controlled, burning is conducted on a regularly scheduled basis and is supervised at all times, burning is conducted only when weather conditions are favorable with respect to surrounding property, and the burning site is limited to areas at least one-quarter mile from any inhabited building unless a written waiver in the form of an affidavit is submitted by the owner of the building to the department and to the local governmental entity prior to the first instance of open burning at the site which occurs after November 13, 1996. The written waiver shall become effective only upon recording in the office of the recorder of deeds of the county in which the inhabited building is located. However, when the open burning of trees and tree trimmings causes air pollution as defined in Iowa Code section 455B.131(3), the department may take appropriate action to secure relocation of the burning operation. Rubber tires shall not be used to ignite trees and tree trimmings.

This exemption shall not apply within the area classified as the PM10 (inhalable) particulate Group II area of Mason City. This Group II area is described as follows: the area in Cerro Gordo County, Iowa, in Lincoln Township including Sections 13, 24 and 25; in Lime Creek Township including Sections 18, 19, 20, 21, 27, 28, 29, 30, 31, 32, 33, 34 and 35; in Mason Township the W ½ of Section 1, Sections 2, 3, 4, 5, 8, 9, the N ½ of Section 11, the NW ¼ of Section 12, the N ½ of Section 16, the N ½ of Section 17 and the portions of Sections 10 and 15 north and west of the line from U.S. Highway 18 south on Kentucky Avenue to 9th Street SE; thence west on 9th Street SE to the Minneapolis and St. Louis railroad tracks; thence south on Minneapolis and St. Louis railroad tracks to 19th Street SE; thence west on 19th Street SE to the section line between Sections 15 and 16.

c. Flare stacks. The open burning or flaring of waste gases, providing such open burning or flaring is conducted in compliance with 23.3(2)“d” and 23.3(3)“e.”

d. Landscape waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

e. Recreational fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with 23.3(2)“d.” Burning rubber tires is prohibited from this activity.

f. Residential waste. Backyard burning of residential waste at dwellings of four-family units or less. The adoption of more restrictive ordinances or regulations of a governing body of the political subdivision, relating to control of backyard burning, shall not be precluded by these rules.

g. Training fires. Fires set for the purpose of bona fide training of public or industrial employees in firefighting methods, provided that written notification is postmarked or delivered to the director at least ten working days before such action commences. Notification shall be made in accordance with 40 CFR Section 61.145, “Standard for demolition and renovation,” of the asbestos National Emission Standards for Hazardous Air Pollutants, as amended through January 16, 1991. All asbestos-containing materials shall be removed prior to the training fire. Asphalt shingles may be burned in a training fire only if the notification to the director contains testing results indicating that none of the layers of the asphalt shingles contain asbestos. Each fire department may conduct no more than two training fires per calendar year where asphalt roofing has not been removed, provided that for

each of those training fires the asphalt roofing material present has been tested to ensure that it does not contain asbestos. Rubber tires may not be burned during a training fire.

h. Paper or plastic pesticide containers and seed corn bags. The disposal by open burning of paper or plastic pesticide containers (except those formerly containing organic forms of beryllium, selenium, mercury, lead, cadmium or arsenic) and seed corn bags resulting from farming activities occurring on the premises. Such open burning shall be limited to areas located at least one-fourth mile from any building inhabited by other than the landowner or tenant conducting the open burning, livestock area, wildlife area, or water source. The amount of paper or plastic pesticide containers and seed corn bags that can be disposed of by open burning shall not exceed one day's accumulation or 50 pounds, whichever is less. However, when the burning of paper or plastic pesticide containers or seed corn bags causes a nuisance, the director may take action to secure relocation of the burning operation. Since the concentration levels of pesticide combustion products near the fire may be hazardous, the person conducting the open burning should take precautions to avoid inhalation of the pesticide combustion products.

i. Agricultural structures. The open burning of agricultural structures, provided that the open burning occurs on the premises and, for agricultural structures located within a city or town, at least one-fourth mile from any building inhabited by a person other than the landowner, a tenant, or an employee of the landowner or tenant conducting the open burning unless a written waiver in the form of an affidavit is submitted by the owner of the building to the department prior to the open burning; all chemicals and asphalt shingles are removed; burning is conducted only when weather conditions are favorable with respect to surrounding property; and permission from the local fire chief is secured in advance of the burning. Rubber tires shall not be used to ignite agricultural structures.

For the purposes of this subrule, "agricultural structures" means barns, machine sheds, storage cribs, animal confinement buildings, and homes located on the premises and used in conjunction with crop production, livestock or poultry raising and feeding operations.

23.2(4) Unavailability of exemptions in certain areas. Notwithstanding 23.2(2) and 23.2(3) "b," "d," "f," and "i," no person shall allow, cause or permit the open burning of trees or tree trimmings, residential or landscape waste or agricultural structures in the cities of: Cedar Rapids, Marion, Hiawatha, Council Bluffs, Carter Lake, Des Moines, West Des Moines, Clive, Windsor Heights, Urbandale, and Pleasant Hill.

This rule is intended to implement Iowa Code section 455B.133.

- **Fugitive Dust**

The department administers regulations that pertain to fugitive dust. These regulations, which may be applicable to this project, are contained in 567 Iowa Administrative Code[567] paragraph 23.3(2)"c" as follows:

c. Fugitive dust.

(1) Attainment and unclassified areas. No person shall allow, cause or permit any materials to be handled, transported or stored; or a building, its appurtenances or a construction haul road to be used, constructed, altered, repaired or demolished, with the exception of farming operations or dust generated by ordinary travel on unpaved public roads, without taking reasonable precautions to prevent particulate matter in quantities sufficient to create a nuisance, as defined in Iowa Code section 657.1, from becoming airborne. All persons, with the above exceptions, shall take reasonable precautions to prevent the discharge of visible emissions of fugitive dusts beyond the lot line of the property on which the emissions originate. The public highway authority shall be responsible for taking

corrective action in those cases where said authority has received complaints of or has actual knowledge of dust conditions which require abatement pursuant to this subrule. Reasonable precautions may include, but not be limited to, the following procedures.

1. Use, where practical, of water or chemicals for control of dusts in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land.

2. Application of suitable materials, such as but not limited to asphalt, oil, water or chemicals on unpaved roads, material stockpiles, race tracks and other surfaces which can give rise to airborne dusts.

3. Installation and use of containment or control equipment, to enclose or otherwise limit the emissions resulting from the handling and transfer of dusty materials, such as but not limited to grain, fertilizer or limestone.

4. Covering, at all times when in motion, open-bodied vehicles transporting materials likely to give rise to airborne dusts.

5. Prompt removal of earth or other material from paved streets or to which earth or other material has been transported by trucking or earth-moving equipment, erosion by water or other means.

If you have any questions please feel free to contact me at (515) 281-7212 or via e-mail at monica.wnuk@dnr.state.ia.us.



IOWA DEPARTMENT OF
AGRICULTURE AND LAND STEWARDSHIP

PATTY JUDGE
SECRETARY OF AGRICULTURE

March 17, 2003

Joyce Beck, NEPA Documents Manager
U.S. Department of Energy
Golden Field Office
1617 Cole Blvd.
Golden, CO 80401

Dear Ms. Beck:

This is in response to a letter sent to William Ehm, Iowa Division of Soil Conservation concerning a Notice of Scoping – Switchgrass CO – Fire testing at Ottumwa Generating Station, Chillicothe, Iowa.

The Division of Soil Conservation supports the testing and construction of a new storage building and supports the Chariton Valley Biomass Project. The Production of fuel from biomass reduces the dependency of getting fuel from other countries and also has the potential to help farmers and meet conservation and environmental goals.

Sincerely,

William B. McGill, dc

William B. McGill, Financial Incentives Bureau Chief
IDALS – Division of Soil Conservation

WBM:dc