



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

217/785-0561

RECEIVED

June 11, 2012

JUN 13 2012

CERTIFIED MAIL # 7010 2780 0002 1163 7216

RETURN RECEIPT REQUESTED

ENVIRONMENTAL SERVICES
MIDWEST GENERATION EME, LLC

Mr. Basil G. Constantelos: Managing Director, Environmental Services
Midwest Generation EME, LLC
2535 Remington Blvd
Suite A
Bolingbrook, IL 60440

**Re: Violation Notice: Midwest Generation, LLC, Waukegan Generating Station
Identification No.: 6281
Violation Notice No.: W-2012-00056**

Dear Mr. Constantelos:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(a)(1), and is based upon a review of available information and an investigation by representatives of the Illinois Environmental Protection Agency ("Illinois EPA").

The Illinois EPA hereby provides notice of alleged violations of environmental laws, regulations, or permits as set forth in Attachment A to this notice. Attachment A includes an explanation of the activities that the Illinois EPA believes may resolve the specified alleged violations. Due to the nature and seriousness of the alleged violations, please be advised that resolution of the violations may also require the involvement of a prosecutorial authority for purposes that may include, among others, the imposition of statutory penalties.

A written response, which may include a request for a meeting with representatives of the Illinois EPA, must be submitted via certified mail to the Illinois EPA within 45 days of receipt of this letter. If a meeting is requested, it shall be held within 60 days of receipt of this notice. The response must include information in rebuttal, explanation, or justification of each alleged violation and a statement indicating whether or not the facility wishes to enter into a Compliance Commitment Agreement ("CCA") pursuant to Section 31(a) of the Act. If the facility wishes to enter into a CCA, the written response must also include proposed terms for the CCA that includes dates for achieving each commitment and may include a statement that compliance has been achieved for some or all of the alleged violations. The proposed terms of the CCA should contain sufficient detail and must include steps to be taken to achieve compliance and the necessary dates by which compliance will be achieved.

4302 N. Main St., Rockford, IL 61103 (815)987-7760
595 S. State, Elgin, IL 60123 (847)608-3131
2125 S. First St., Champaign, IL 61820 (217)278-5800
2009 Mall St., Collinsville, IL 62234 (618)346-5120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000
5407 N. University St., Peoria, IL 61614 (309)693-5462
2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200
100 W. Randolph, Suite 11-300, Chicago, IL 60601 (312)814-6026

PLEASE PRINT ON RECYCLED PAPER

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COMP. EX 1A

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ID: 6281 Midwest Generation, LLC, Waukegan Generating Station
VN W-2012-00056

The Illinois EPA will review the proposed terms for a CCA provided by the facility and, within 30 days of receipt, will respond with either a proposed CCA or a notice that no CCA will be issued by the Illinois EPA. If the Illinois EPA sends a proposed CCA, the facility must respond in writing by either agreeing to and signing the proposed CCA or by notifying the Illinois EPA that the facility rejects the terms of the proposed CCA.

If a timely written response to this Violation Notice is not provided, it shall be considered a waiver of the opportunity to respond and meet, and the Illinois EPA may proceed with referral to a prosecutorial authority.

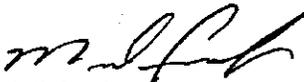
Written communications should be directed to:

Illinois EPA – Division of Public Water Supplies
Attn: Andrea Rhodes, CAS #19
P.O. BOX 19276
Springfield, IL 62794-9276

All communications must include reference to this Violation Notice number, W-2012-00056.

Questions regarding this Violation Notice should be directed to Andrea Rhodes at 217/785-0561.

Sincerely,



Michael Crumly
Manager, Compliance Assurance Section
Division of Public Water Supplies
Bureau of Water

Attachments

cc: Maria Race

CASE ID: 2012-006

ATTACHMENT A**MIDWEST GENERATION, LLC, WAUKEGAN GENERATING STATION, ID:6281
VIOLATION NOTICE NO. W-2012-00056:**

A review of information available to the Illinois EPA indicates the following on-going violations of statutes, regulations, or permits. Included with each type of violation is an explanation of the activities that the Illinois EPA believes may resolve the violation.

Groundwater Quality

No person shall cause, threaten or allow the release of any contaminant to a resource groundwater such that: treatment or additional treatment is necessary to continue an existing use or to assure a potential use of such groundwater; or an existing or potential use of such groundwater is precluded. No person shall cause, threaten or allow the release of any contaminant to groundwater so as to cause a groundwater quality standard to be exceeded. Midwest Generation, LLC must take actions to mitigate existing contamination and prevent the continuing release of contaminants into the environment.

Violation**Description**

Operations at ash impoundments have resulted in violations of the Groundwater Quality Standards at monitoring well MW-1 for the following constituents:

Parameter	Sample Value	GW Standard	Collection Date
pH	9.54 su	6.5-9.0 su	3/14/2012
pH	9.97 su	6.5-9.0 su	6/13/2011
pH	9.92 su	6.5-9.0 su	3/24/2011
Antimony	0.052 mg/l	0.006 mg/l	10/25/2010
Arsenic	0.078 mg/l	0.05 mg/l	3/14/2012
Arsenic	0.057 mg/l	0.05 mg/l	12/6/2011
Arsenic	0.077 mg/l	0.05 mg/l	9/13/2011
Arsenic	0.17 mg/l	0.05 mg/l	6/13/2011
Arsenic	0.054 mg/l	0.05 mg/l	10/25/2010
Boron	2.5 mg/l	2.0 mg/l	3/14/2012
Boron	2.8 mg/l	2.0 mg/l	12/6/2011
Boron	2.5 mg/l	2.0 mg/l	9/13/2011
Boron	2.6 mg/l	2.0 mg/l	6/13/2011
Boron	2.6 mg/l	2.0 mg/l	10/25/2010

Rule/Reg. Section 12 of the Act, 415 ILCS 5/12, 35 Ill. Adm. Code 620.115, 620.301, 620.401, 620.405, and 620.410.

ATTACHMENT A

**MIDWEST GENERATION, LLC, WAUKEGAN GENERATING STATION, ID:6281
VIOLATION NOTICE NO. W-2012-00056:**

Violation**Description**

Operations at ash impoundments have resulted in violations of the Groundwater Quality Standards at monitoring well MW-2 for the following constituents:

Parameter	Sample Value	GW Standard	Collection Date
pH	9.31 su	6.5-9.0 su	3/24/2011
Boron	2.2 mg/l	2.0 mg/l	3/24/2011

Rule/Reg. Section 12 of the Act, 415 ILCS 5/12, 35 Ill. Adm. Code 620.115, 620.301, 620.401, 620.405, and 620.410.

Violation**Description**

Operations at ash impoundments have resulted in violations of the Groundwater Quality Standards at monitoring well MW-3 for the following constituents:

Parameter	Sample Value	GW Standard	Collection Date
pH	9.20 su	6.5-9.0 su	9/13/2011
Boron	2.3 mg/l	2.0 mg/l	6/13/2011
Boron	2.2 mg/l	2.0 mg/l	3/24/2011

Rule/Reg. Section 12 of the Act, 415 ILCS 5/12, 35 Ill. Adm. Code 620.115, 620.301, 620.401, 620.405, and 620.410.

Violation**Description**

Operations at ash impoundments have resulted in violations of the Groundwater Quality Standards at monitoring well MW-4 for the following constituents:

Parameter	Sample Value	GW Standard	Collection Date
Manganese	0.36 mg/l	0.15 mg/l	9/13/2011
Boron	2.2 mg/l	2.0 mg/l	3/14/2012
Boron	2.1 mg/l	2.0 mg/l	12/6/2011
Boron	2.1 mg/l	2.0 mg/l	3/24/2011

Rule/Reg. Section 12 of the Act, 415 ILCS 5/12, 35 Ill. Adm. Code 620.115, 620.301, 620.401, 620.405, and 620.410.

ATTACHMENT A

MIDWEST GENERATION, LLC, WAUKEGAN GENERATING STATION, ID:6281
VIOLATION NOTICE NO. W-2012-00056**Violation
Description**

Operations at ash impoundments have resulted in violations of the Groundwater Quality Standards at monitoring well MW-5 for the following constituents:

Parameter	Sample Value	GW Standard	Collection Date
Iron	6.6 mg/l	5.0 mg/l	3/14/2012
Iron	5.6 mg/l	5.0 mg/l	12/6/2011
Manganese	0.76 mg/l	0.15 mg/l	3/14/2012
Manganese	0.99 mg/l	0.15 mg/l	12/6/2011
Manganese	0.28 mg/l	0.15 mg/l	6/13/2011
Manganese	0.60 mg/l	0.15 mg/l	3/24/2011
Boron	44 mg/l	2.0 mg/l	3/14/2012
Boron	37 mg/l	2.0 mg/l	12/6/2011
Boron	30 mg/l	2.0 mg/l	9/13/2011
Boron	12 mg/l	2.0 mg/l	6/13/2011
Boron	33 mg/l	2.0 mg/l	3/24/2011
Sulfate	980 mg/l	400 mg/l	3/14/2012
Sulfate	1,100 mg/l	400 mg/l	12/6/2011
Sulfate	810 mg/l	400 mg/l	9/13/2011
Sulfate	1,100 mg/l	400 mg/l	6/13/2011
Sulfate	780 mg/l	400 mg/l	3/24/2011
Sulfate	920 mg/l	400 mg/l	10/25/2010
Chloride	220 mg/l	200 mg/l	9/13/2011
Chloride	540 mg/l	200 mg/l	6/13/2011
TDS	2,000 mg/l	1,200 mg/l	3/14/2012
TDS	2,300 mg/l	1,200 mg/l	12/6/2011
TDS	2,300 mg/l	1,200 mg/l	9/13/2011
TDS	3,300 mg/l	1,200 mg/l	6/13/2011
TDS	1,800 mg/l	1,200 mg/l	3/24/2011
TDS	1,500 mg/l	1,200 mg/l	10/25/2010

Rule/Reg. Section 12 of the Act, 415 ILCS 5/12, 35 Ill. Adm. Code 620.115, 620.301, 620.401, 620.405, and 620.410.