



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-9817
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

RECEIVED
CLERK'S OFFICE

MAY 29 2009

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

STATE OF ILLINOIS
Pollution Control Board

(217) 782-9817
TDD: (217) 782-9143

May 27, 2009

AC09-49 ORIGINAL

John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Re: Illinois Environmental Protection Agency v. Ameren Energy Generating Company, Ameren Corporation and Jerry Simpson
IEPA File No.103-09-AC; 0570255197—Fulton County

Dear Mr. Therriault:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan
Assistant Counsel

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

MAY 29 2009

STATE OF ILLINOIS
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
AMEREN ENERGY GENERATING)
COMPANY, AMEREN CORPORATION,)
and JERRY SIMPSON.)
))
Respondents.)

AC 09-49

(IEPA No. 103-09-AC)

ORIGINAL

NOTICE OF FILING

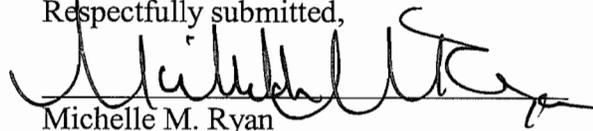
To: Ameren Energy Generating Company
James A. Tiskos, Registered Agent
17751 North Cilco Road
Canton, IL 61520

Jerry Simpson, Certified Operator
300 Sur Woods Drive
Effingham, IL 62401

Ameren Corporation
James A. Tiskos, Registered Agent
1901 Chouteau MC-602
St. Louis, MO 63103

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,



Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: May 27, 2009

MAY 29 2009

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
AMEREN ENERGY GENERATING)
COMPANY, AMEREN CORPORATION,)
and JERRY SIMPSON.)
))
Respondents.)

AC 09-49
(IEPA No. 103-09-AC)

ORIGINAL

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act , 415 ILCS 5/31.1 (2006).

FACTS

1. That Ameren Corporation is the permitted owner, Ameren Energy Generating Company is the permitted operator, and Jerry Simpson is the Chief Operator in responsible charge (collectively "Respondents") of a facility located at 17751 North Cilco Road, Canton, Fulton County, Illinois.
2. That said facility is a sanitary landfill, operating under Illinois Environmental Protection Agency Permit No. 2005-121-LF, and is designated with Site Code No. 0570255197. The facility is commonly known to the Illinois Environmental Protection Agency as Ameren Duck Creek Station LF.
3. That Respondents have owned/operated said facility at all times pertinent hereto.

4. That on April 9, 2009, Robert J. Wagner of the Illinois Environmental Protection Agency's Peoria Regional Office inspected the above-referenced facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Robert J. Wagner during the course of his April 9, 2009 inspection of the above-referenced facility, the Illinois Environmental Protection Agency has determined that Respondents violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents conducted a sanitary landfill in a manner which resulted in acceptance of wastes without necessary permits, a violation of Section 21(o)(7) of the Act, 415 ILCS 5/21 (o)(7) (2006).

- (2) That Respondents conducted a sanitary landfill in a manner which resulted in deposition of refuse in an unpermitted portion of the landfill, a violation of Section 21(o)(9) of the Act, 415 ILCS 5/21 (o)(9) (2006).

- (3) That Respondents conducted a sanitary landfill in a manner which resulted in failure to submit reports required by permits or Board regulations, a violation of Section 21(o)(11) of the Act, 415 ILCS 5/21 (o)(11) (2006).

CIVIL PENALTY

Pursuant to Section 42(b)(4) of the Act, 415 ILCS 5/42(b)(4) (2006), Respondents are subject to a civil penalty of Five Hundred Dollars (\$500.00) for each of the violations identified above, for a total of One Thousand Five Hundred Dollars (\$1,500.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than June 30, 2009, unless otherwise provided by order of the Illinois Pollution

Control Board.

If Respondents elect to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2006), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the statutory civil penalty.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2006), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and a finding of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondents' check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondents shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondents from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2006). If Respondents elect to contest this Administrative Citation, then Respondents shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondents.


Douglas P. Scott, Director
Illinois Environmental Protection Agency

Date 5/27/09

Prepared by: Susan E. Konzelmann, Legal Assistant
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

RECEIVED
CLERK'S OFFICE
MAY 29 2009
STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
AMEREN ENERGY GENERATING)
COMPANY, AMEREN CORPORATION,)
and JERRY SIMPSON.)
)
Respondents.)

AC 09-49
(IEPA No. 103-09-AC)

ORIGINAL

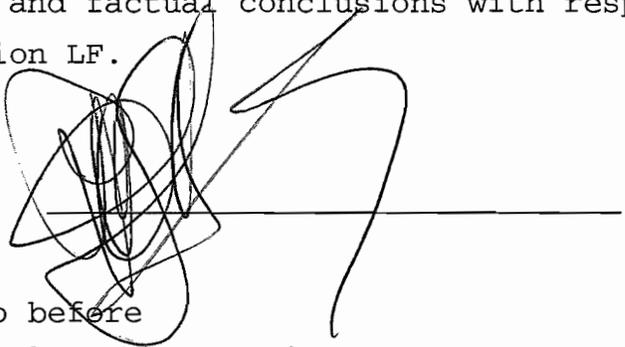
FACILITY: Ameren Duck Creek Station LF SITE CODE NO.: 0570255197
COUNTY: Fulton CIVIL PENALTY: \$1500.00
DATE OF INSPECTION: April 9, 2009

DATE REMITTED:
SS/FEIN NUMBER:
SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

Affiant's knowledge and belief, is an accurate representation of
Affiant's observations and factual conclusions with respect to
Ameren Duck Creek Station LF.

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Subscribed and Sworn to before
me this 28 day of April, 2009

OFFICIAL SEAL
SHIRLEY MARIE FARMER
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXPIRES 11-16-2010

Shirley Marie Farmer
Notary Public

9.	21(f)	CONDUCT ANY HAZARDOUS WASTE-STORAGE, HAZARDOUS WASTE-TREATMENT OR HAZARDOUS WASTE-DISPOSAL OPERATION:	
	(1)	Without a RCRA Permit	<input type="checkbox"/>
10.	21(o)	CONDUCT A SANITARY LANDFILL OPERATION WHICH RESULTS IN ANY OF THE FOLLOWING CONDITIONS:	
	(1)	Refuse in Standing or Flowing Water	<input type="checkbox"/>
	(2)	Leachate Flows Entering Waters of the State	<input type="checkbox"/>
	(3)	Leachate Flows Exiting the Landfill Confines	<input type="checkbox"/>
	(4)	Open Burning of Refuse in Violation of Section 9 of the Act	<input type="checkbox"/>
	(5)	Uncovered Refuse Remaining From Any Previous Operating Day or at the Conclusion of Any Operating Day	<input type="checkbox"/>
	(6)	Failure to Provide Final Cover Within Time Limits	<input type="checkbox"/>
	(7)	Acceptance of Wastes Without Necessary Permits	<input checked="" type="checkbox"/>
	(8)	Scavenging as Defined by Board Regulations	<input type="checkbox"/>
	(9)	Deposition of Refuse in Any Unpermitted Portion of the Landfill	<input checked="" type="checkbox"/>
	(10)	Acceptance of Special Waste Without a Required Manifest	<input type="checkbox"/>
	(11)	Failure to Submit Reports Required by Permits or Board Regulations	<input checked="" type="checkbox"/>
	(12)	Failure to Collect and Contain Litter by the End of each Operating Day	<input type="checkbox"/>
	(13)	Failure to Submit Any Cost Estimate, Performance Bond or Other Security for the Site	<input type="checkbox"/>
11.	21(t)	CAUSE OR ALLOW A LATERAL EXPANSION OF A MUNICIPAL SOLID WASTE LANDFILL (MSWLF) UNIT WITHOUT A PERMIT MODIFICATION	<input type="checkbox"/>
12.	21.6(b)	ACCEPTANCE OF LIQUID USED OIL FOR FINAL DISPOSAL (EFFECTIVE JULY 1, 1996)	<input type="checkbox"/>
13.	22.01	FAILURE TO SUBMIT ANNUAL NONHAZARDOUS SPECIAL WASTE REPORT	<input type="checkbox"/>
14.	22.22(c)	ACCEPTANCE OF LANDSCAPE WASTE FOR FINAL DISPOSAL	<input type="checkbox"/>
15.	22.23(f)(2)	CAUSE OR ALLOW THE DISPOSAL OF ANY LEAD-ACID BATTERY	<input type="checkbox"/>
16.	22.28(b)	ACCEPTANCE OF WHITE GOODS FOR FINAL DISPOSAL	<input type="checkbox"/>
17.	55(b)(1)	ACCEPTANCE OF ANY USED OR WASTE TIRE FOR FINAL DISPOSAL (UNLESS LANDFILL MEETS EXEMPTION OF 55(b)(1))	<input type="checkbox"/>
18.	56.1(a)	CAUSE OR ALLOW THE DISPOSAL OF ANY POTENTIALLY INFECTIOUS MEDICAL WASTE	<input type="checkbox"/>
SOLID WASTE SITE OPERATOR CERTIFICATION LAW REQUIREMENTS			
19.	225 ILCS 230/1004	CAUSING OF ALLOWING OPERATION OF A LANDFILL WITHOUT PROPER COMPETENCY CERTIFICATE	<input type="checkbox"/>

35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
PRIOR CONDUCT CERTIFICATION REQUIREMENTS			
20.	745.181	CHIEF OPERATOR REQUIREMENTS	<input type="checkbox"/>
21.	745.201	PRIOR CONDUCT CERTIFICATION PROHIBITIONS	<input type="checkbox"/>
SPECIAL WASTE HAULING REQUIREMENTS			
22.	809.301	REQUIREMENTS FOR DELIVERY OF SPECIAL WASTE TO HAULERS	<input type="checkbox"/>
23.	809.302(a)	REQUIREMENTS FOR ACCEPTANCE OF SPECIAL WASTE FROM HAULERS	<input type="checkbox"/>
24.	809.501	MANIFESTS, RECORDS, ACCESS TO RECORDS, REPORTING REQUIREMENTS AND FORMS	
	(a)	Delivery of Special Waste to Hauler	<input type="checkbox"/>
	(e)	Retention of Special Waste Manifests	<input type="checkbox"/>
NEW SOLID WASTE LANDFILL REQUIREMENTS			
	PART 811 SUBPART A	GENERAL STANDARDS FOR ALL LANDFILLS	
25.	811.103	SURFACE WATER DRAINAGE	
	(a)	Runoff from Disturbed Areas	<input type="checkbox"/>
	(b)	Diversion of Runoff from Undisturbed Areas	<input type="checkbox"/>
26.	811.104	SURVEY CONTROL	
	(a)	Boundaries Surveyed and Marked	<input type="checkbox"/>
	(b)	Stakes and Monuments Marked	<input type="checkbox"/>
	(c)	Stakes and Monuments Inspected	<input type="checkbox"/>
	(d)	Control Monument Established and Maintained	<input type="checkbox"/>
27.	811.109	BOUNDARY CONTROL	
	(a)	Access Restricted	<input type="checkbox"/>
	(b)	Proper Sign Posted	<input type="checkbox"/>
	PART 811 SUBPART C	PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS	
28.	811.302	FACILITY LOCATION	
	(c)	Site Screening (Does Not Apply To Part 814-Subpart D Sites)	<input type="checkbox"/>
29.	811.305	FOUNDATION CONSTRUCTION	<input type="checkbox"/>
30.	811.316	PLUGGING AND SEALING OF DRILL HOLES	<input type="checkbox"/>
	PART 811 SUBPART D	MANAGEMENT OF SPECIAL WASTES AT LANDFILLS	
31.	811.402	NOTICE TO GENERATORS AND TRANSPORTERS	<input type="checkbox"/>

PART 811 SUBPART E		CONSTRUCTION QUALITY ASSURANCE PROGRAMS	
32.	811.501	STRUCTURES CONSTRUCTED IN ACCORDANCE WITH THE CONSTRUCTION QUALITY ASSURANCE PROGRAM	<input type="checkbox"/>
33.	811.502	DUTIES AND QUALIFICATIONS OF KEY PERSONNEL	
	(a)	Duties and Qualifications of the Operator	<input type="checkbox"/>
	(b)	Duties and Qualifications of the CQA Officer	<input type="checkbox"/>
34.	811.503	INSPECTION ACTIVITIES	
	(a)	CQA Officer Present to Provide Supervision and Assume Responsibility	<input type="checkbox"/>
	(b)	CQA Officer-in-absentia Designated	<input type="checkbox"/>
35.	811.504	SAMPLING REQUIREMENTS	<input type="checkbox"/>
36.	811.505	DOCUMENTATION	
	(a)	Proper Daily Summary Report Prepared	<input type="checkbox"/>
	(b)	Proper Daily Inspection Report Prepared	<input type="checkbox"/>
	(d)	Proper Acceptance Reports Submitted	<input checked="" type="checkbox"/>
37.	811.506	FOUNDATIONS AND SUBBASES	
	(a)	Requirements of the CQA Officer (Proper Site Investigation)	<input type="checkbox"/>
	(b)	Requirements of the CQA Officer (Proper Documentation of joints, fractures, etc.)	<input type="checkbox"/>
	(c)	Requirements of the CQA Officer (Properly remove undesirable materials)	<input type="checkbox"/>
38.	811.507	COMPACTED EARTH LINERS	
	(a)	Requirements for a Test Liner	<input type="checkbox"/>
	(c)	CQA Officer Inspects Construction and Testing of Test Fills	<input type="checkbox"/>
39.	811.508	CQA OFFICER CERTIFIES PROPER GEOMEMBRANE INSTALLATION	
	(a)	Requirements of the CQA Officer (Exercise Professional Judgement))	<input type="checkbox"/>
	(b)	Requirements of the CQA Officer (Proper Adherence to the Approved Plan)	<input type="checkbox"/>
	(c)	Requirements of the CQA Officer (Proper Inspection of Structures)	<input type="checkbox"/>
40.	811.509	CQA OFFICER CERTIFIES LEACHATE COLLECTION SYSTEM INSTALLATION	<input type="checkbox"/>
SOLID WASTE FEE SYSTEM REQUIREMENTS			
41.	Part 858 Subpart B	MAINTAINED, RETAINED & SUBMITTED DAILY & MONTHLY SOLID WASTE RECORDS AND QUARTERLY SOLID WASTE SUMMARIES WHERE INCOMING WASTE IS WEIGHED (LIST SPECIFIC SECTION NO. OF VIOLATIONS IN OTHER:)	<input type="checkbox"/>
42.	Part 858 Subpart C	MAINTAINED, RETAINED & SUBMITTED DAILY & MONTHLY SOLID WASTE RECORDS AND QUARTERLY SOLID WASTE SUMMARIES WHERE INCOMING WASTE IS NOT WEIGHED (LIST SPECIFIC SECTION NO. OF VIOLATIONS IN OTHER:)	<input type="checkbox"/>

OTHER REQUIREMENTS

43.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
44.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

PERMIT PROVISIONS

PERMIT NUMBER	DESCRIPTION OF VIOLATION (condition # of permit, page # of permit, and/or page # of approved application)
2005-121-LF	Special Condition I. <u>CONSTRUCTION QUALITY ASSURANCE</u> 2. (page 3)
2005-121-LF	Special Condition II. <u>OPERATING CONDITIONS</u> 3.f. (page 5)
2005-121-LF	Special Condition II. <u>OPERATING CONDITIONS</u> 3.h. (page 5)
2005-121-LF	Special Condition II. <u>OPERATING CONDITIONS</u> 3.j. (page 5)
2005-121-LF	Special Condition VIII. <u>GROUNDWATER MONITORING</u> 3. (page 19)
2005-121-LF	Standard Condition 2. (page 1 of Standard Conditions)
2005-121-LF	Standard Condition 3. (page 1 of Standard Conditions)
2005-121-LF	Standard Condition 6. (page 2 of Standard Conditions)

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (o) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

Narrative

On April 9, 2009, I (Robert J. Wagner) conducted a pre-operational permit inspection from 8:58 a.m. to 11:10 a.m. at Ameren Duck Creek Station LF (0570255197) in Fulton County. Permit No. 2005-121-LF approved the development of a new non-hazardous coal combustion waste landfill by Ameren Corporation as owner and Ameren Energy Generating Company as operator. The landfill is located on property at 17751 North Cilco Road, Canton, Illinois. The following Ameren employees participated in the inspection:

Roger D. Garman ----Technical Services Superintendent
Paul R. Pike ----Strategic Analyst Environmental Safety &
Health
John R. Berry ----Certified Operator
Dave Boyce ----Ameren Ash Management Project
Construction Manager

The purpose of the inspection was to verify claims made in permit Log No. 2009-092, received on February 23, 2009 from Hanson Professional Services Inc. This is a significant modification permit application containing acceptance report for operating in Cell 1A (waste disposal). The inspection included but was not limited to bottom liner, leachate drainage and collection system, leachate management system, and groundwater monitoring system.

I met with Ameren personnel at the power plant office to discuss the inspection. Mr. Pike said that Cell 1A had already taken several loads of fly ash generated from Ameren Duck Creek Power Generating Station (0578010002). According to Mr. Garman, Cell 1A received approximately 3000 tons of fly ash on April 2, 2009. Mr. Garman said they had no other place to go with the fly ash generated by the power plant.

Mr. Pike explained Ameren's position that since the fly ash was generated on site from Ameren Duck Creek Power Generating Station that Cell 1A could fall under Section 815 (TITLE 35: ENVIRONMENTAL PROTECTION, SUBTITLE G: WASTE DISPOSAL, CHAPTER I: POLLUTION CONTROL BOARD, SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING, PART 815 PROCEDURAL REQUIREMENTS FOR ALL LANDFILLS EXEMPT FROM PERMITS.). According to Mr. Pike, Ameren can provide documents proving that Cell 1A is a Section 815 site. However, at the time of the inspection Ameren did not provide any documentation concerning the landfill's Section 815 status. Mr. Pike explained he had sent an email correspondence to the Agency's permit section explaining Ameren's current position on Cell 1A. Mr. Pike said he received a letter back from the Agency but the letter did not specifically address this issue with Cell 1A.

We completed this part of the inspection at the power plant office and proceeded to Cell 1A. At Cell 1A, I walked and photographed the area accompanied by the above-mentioned individuals.

Photograph 1 shows the western border of Cell 1A (see site sketch). Photographs 2, 3, 4, and 5 show where the fly ash has been dumped in Cell 1A. Photograph 6 shows the southern portion of Cell 1A. Photograph 7 shows the temporary berm placed on the southern portion of Cell 1A. Photograph 8 shows the southwestern view of Cell 1A.

Photographs 9 and 10 show the temporary leachate collection tank installed near the southeast corner of Cell 1A. According to Ameren, the permanent tanks will be constructed when Cell 2 is constructed. Application Log No. 2005-121 does not include a design of or any construction quality assurance documentation for the temporary leachate storage tank. The design must be demonstrated to comply with the requirements of the design approved via the issuance of Permit No. 2005-121-LF. The application does not identify the specific location of the temporary tank.

Photographs 11, 12, and 13 show a spill way located in the southeastern corner of Cell 1A. According to Ameren, the spillway will remain during operation of Cell 1A to safely discharge any storm water that may accumulate in that location. However, upon commencement of waste disposal operations in Cell 1A, all storm water within the limits of Cell 1A will be considered leachate and may not be discharged as proposed.

Photograph 14 shows the 12-inch leachate lateral pipe with the temporary leachate collection tank in the background. Photograph 15 shows the groundwater wells constructed along the eastern boundary of Cell 1A. Photographs 16 and 17 show the mid section of Cell 1A. Photograph 18 shows the location of where fly ash has been deposited in Cell 1A.

Photograph 19 shows groundwater well G14L. The casing was capped and locked. It appears that all the groundwater wells have been constructed in accordance with approved plans. According to Permit No. 2005-121-LF, groundwater sample results for January-February must be submitted to the Illinois EPA by April 15, 2009 or before the placement of waste. On April 2, 2009, fly ash was placed in Cell 1A. After reviewing the file, groundwater results were not submitted to the Agency until April 15, 2009.

Photograph 20 shows the eastern boundary of Cell 1A. Photographs 21, 22, 23, 24, and 25 show the northern portion of Cell 1A. Photograph 26 shows the northern boundary of Cell 1A. Photograph 27 shows the northwestern boundary of Cell 1A. Photograph 28 shows the western portion of Cell 1A.

At the end of the inspection, Mr. Pike wanted to know if Ameren could continue to use Cell 1A. I told him that I did not have to authority to make that decision.

The following alleged violations were observed and indicated on the Pre-operation Permit Inspection Checklist:

1. Pursuant to Section 12(a) of the Act, no person shall cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other

sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

A violation of Section 12(a) of the [Illinois] Environmental Protection Act (415 ILCS 5/12(a)) is alleged for the following reason: **Ameren Corporation as owner; Ameren Energy Generating Corporation as operator; and Jerry Simpson as Chief Operator did not submit to the Illinois EPA groundwater sample results prior to the placement of waste as required by Permit No. 2005-121-LF, Special Condition VIII. GROUNDWATER MONITORING 3.**

2. Pursuant to Section 12(d) of the Act, no person shall deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

A violation of Section 12(d) of the [Illinois] Environmental Protection Act (415 ILCS 5/12(d)) is alleged for the following reason: **Ameren Corporation as owner; Ameren Energy Generating Corporation as operator; and Jerry Simpson as Chief Operator did not submit to the Illinois EPA groundwater sample results prior to the placement of waste as required by Permit No. 2005-121-LF, Special Condition VIII. GROUNDWATER MONITORING 3.**

3. Pursuant to Section 21(d)(1) of the Act, in relevant part, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder.

A violation of Section 21(d)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(1)) is alleged for the following reason: **Ameren Corporation as owner; Ameren Energy Generating Corporation as operator; and Jerry Simpson as Chief Operator failed to comply with the following conditions in Permit No. 2005-121-LF.**

➤ **Permit No. 2005-121-LF, Special Condition I. CONSTRUCTION QUALITY ASSURANCE 2. No part of the unit shall be placed into service or accept waste until an acceptance report for all activities listed below has been submitted to and approved by the Illinois EPA as a significant modification pursuant to 35 IAC, Sections 811.505(d) and 813.203.**

- a. **Preparation of subgrade and foundation to design parameters;**
- b. **Installation of compacted earth/synthetic liner;**
- c. **Installation of the leachate drainage, collection, and management system.**

- d. **Placement of final cover;**
- e. **Construction of ponds, ditches, lagoons, and berms.**

Ameren Corporation as owner; Ameren Energy Generating Corporation as operator; and Jerry Simpson as Chief Operator began the disposal of waste in Cell 1A without an approved operating permit.

Ameren Corporation as owner; Ameren Energy Generating Corporation as operator; and Jerry Simpson as Chief Operator placed a temporary leachate storage tank into service without filing an acceptance report and without prior approval by the Illinois EPA.

- **Permit No. 2005-121-LF, Special Condition II. OPERATING CONDITIONS 3. The operator of this solid waste facility shall not conduct the operation in a manner which results in any of the following:**

- f. **acceptance of waste without the necessary permits.**

Ameren Corporation as owner; Ameren Energy Generating Corporation as operator; and Jerry Simpson as Chief Operator began the disposal of waste in Cell 1A without an approved operating permit.

- **Permit No. 2005-121-LF, Special Condition II. OPERATING CONDITIONS 3. The operator of this solid waste facility shall not conduct the operation in a manner which results in any of the following:**

- h. **deposition of refuse in any unpermitted (i.e., without an Illinois EPA approved significant modification authorizing operation) portion of the landfill.**

Ameren Corporation as owner; Ameren Energy Generating Corporation as operator; and Jerry Simpson as Chief Operator began the disposal of waste in Cell 1A without an approved operating permit.

- **Permit No. 2005-121-LF, Special Condition II. OPERATING CONDITIONS 3. The operator of this solid waste facility shall not conduct the operation in a manner which results in any of the following:**

- j. **failure to submit reports required by permits of Board Regulations.**

Ameren Corporation as owner; Ameren Energy Generating Corporation as operator; and Jerry Simpson as Chief Operator did not submit to the Illinois EPA groundwater sample results prior to the placement of waste as required

by Permit No. 2005-121-LF, Special Condition VIII. GROUNDWATER MONITORING 3.

- **Permit No. 2005-121-LF, Special Condition VIII. GROUNDWATER MONITORING 3. Groundwater monitoring wells shall be installed in the locations shown in Figure 10-1, of the permit application, Log No. 2005-121, Addendum No. 4 and screened in the hydrogeologic unit(s) identified as potential contaminant pathway(s) within the zone of attenuation. All wells listed in Condition VIII.9 must be installed so that samples may be taken during the months of January-February and the results submitted to the Illinois EPA by April 15, 2009 or before the placement of waste.**

Ameren Corporation as owner; Ameren Energy Generating Corporation as operator; and Jerry Simpson as Chief Operator did not submit to the Illinois EPA groundwater sample results prior to the placement of waste.

- **Permit No. 2005-121-LF, Standard Condition 2. The construction or development of facilities covered by this permit shall be done in compliance with applicable provisions of Federal laws and regulations, the Illinois Environmental Protection Act, and Rules and Regulations adopted by the Illinois Pollution Control Board.**

Ameren Corporation as owner; Ameren Energy Generating Corporation as operator; and Jerry Simpson as Chief Operator did not comply with the applicable provisions of the Illinois Environmental Protection Act and Illinois Pollution Control Board Regulations during the development of the landfill.

- **Permit No. 2005-121-LF, Standard Condition 3. There shall be no deviation from the approved plans and specifications unless a written request for modification of the project, along with plans and specifications as required, shall have been submitted to the Agency and a supplemental written permit issued.**

Ameren Corporation as owner; Ameren Energy Generating Corporation as operator; and Jerry Simpson as Chief Operator deviated from the approved plans and specifications without a written request for modification submitted to the Agency and a supplemental written permit issued.

- **Permit No. 2005-121-LF, Standard Condition 6. Unless a joint construction/operation permit has been issued, a permit for operating shall be obtained from the Agency before the facility or equipment covered by this permit is placed into operation.**

Ameren Corporation as owner; Ameren Energy Generating Corporation as operator; and Jerry Simpson as Chief Operator placed the landfill into operation without an operating permit issued by the Agency.

4. Pursuant to Section 21(d)(2) of the Act, no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

A violation of Section 21(d)(2) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(2)) is alleged for the following reason: **Ameren Corporation as owner; Ameren Energy Generating Corporation as operator; and Jerry Simpson as Chief Operator conducted a waste-disposal operation in violation of regulations adopted by the Board.**

5. Pursuant to Section 21(e) of the Act, no person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

A violation of Section 21(e) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(e)) is alleged for the following reason: **Ameren Corporation as owner; Ameren Energy Generating Corporation as operator; and Jerry Simpson as Chief Operator disposed of waste at a facility which does not meet the requirements of the Act and regulations.**

6. Pursuant to Section 21(o)(7) of the Act, no person shall conduct a sanitary landfill operation which is required to have a permit under subsection (d) of this Section, in a manner which results in acceptance of wastes without necessary permits.

A violation of Section 21(o)(7) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(o)(7)) is alleged for the following reason: **Ameren Corporation as owner; Ameren Energy Generating Corporation as operator; and Jerry Simpson as Chief Operator accepted waste for disposal in Cell 1A without an operating permit.**

7. Pursuant to Section 21(o)(9) of the Act, no person shall conduct a sanitary landfill operation which is required to have a permit under subsection (d) of this Section, in a manner which results in deposition of refuse in any unpermitted portion of the landfill.

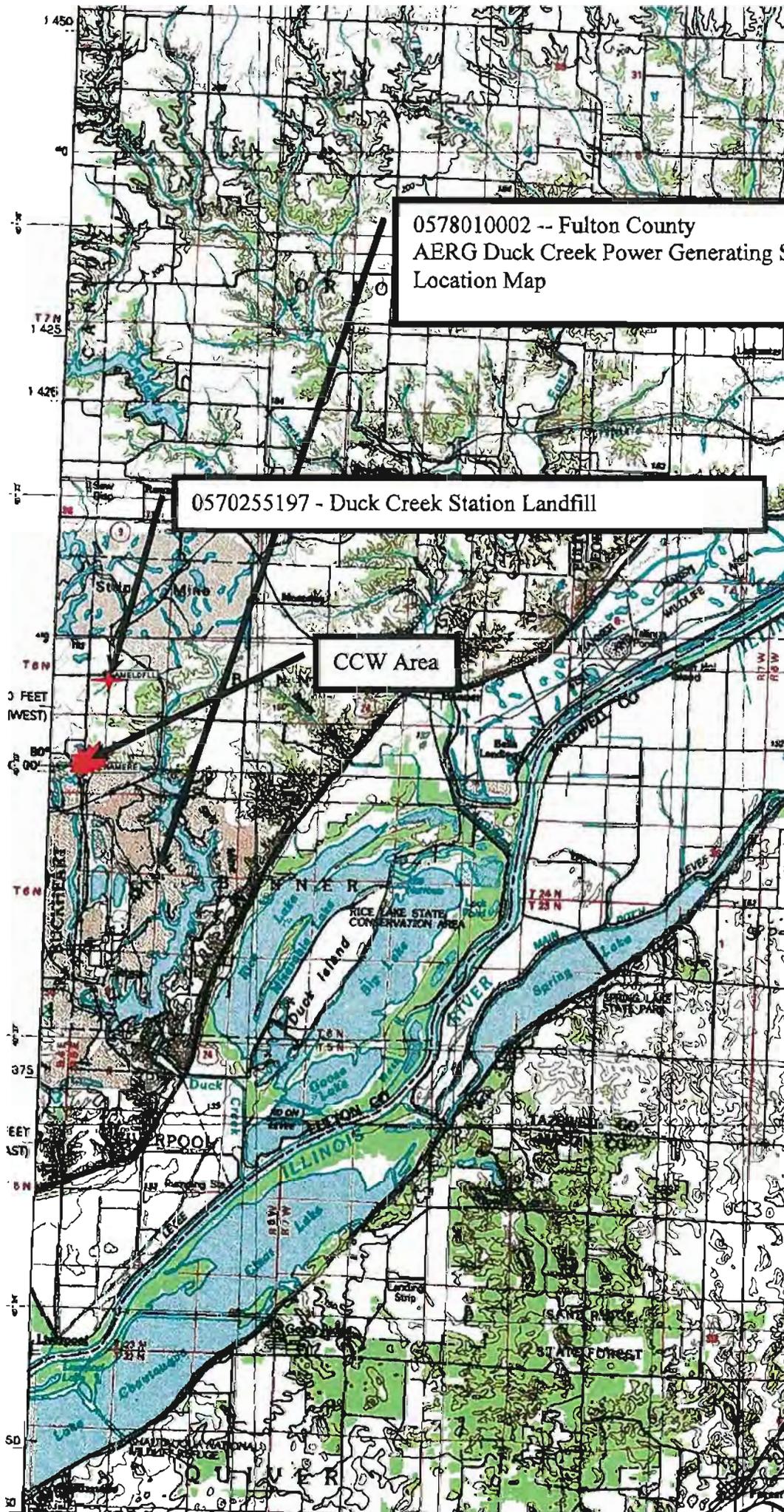
A violation of Section 21(o)(9) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(o)(9)) is alleged for the following reason: **Ameren Corporation as owner; Ameren Energy Generating Corporation as operator; and Jerry Simpson as Chief Operator deposited of waste in Cell 1A without a permit for that portion of the landfill.**

8. Pursuant to Section 21(o)(11) of the Act, no person shall conduct a sanitary landfill operation which is required to have a permit under subsection (d) of this Section, in a manner which results in failure to submit reports required by permits or Board regulations.

A violation of Section 21(o)(11) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(o)(11)) is alleged for the following reason: **Ameren Corporation as owner; Ameren Energy Generating Corporation as operator; and Jerry Simpson as Chief Operator failed submit to the Illinois EPA the groundwater sample results required by Permit No. 2005-121-LF, VIII. GROUNDWATER MONITORING 3. prior to the placement of waste in Cell 1A.**

9. Pursuant to 35 Ill. Adm. Code 811.505(d), upon completion of the construction of each major phase, the CQA officer shall submit an acceptance report to the Agency. The acceptance report shall be submitted before the structure is placed into service and shall contain the following: 1) a certification by the CQA officer that the construction has been prepared and constructed in accordance with the engineering design; 2) As-built drawings; and 3) All daily summary reports.

A violation of 35 Ill. Adm. Code 811.505(d) is alleged for the following reason. **Ameren Corporation as owner; Ameren Energy Generating Corporation as operator; and Jerry Simpson as Chief Operator failed to submit to the Agency any documentation for the construction of the temporary leachate storage tank.**



0578010002 -- Fulton County
AERG Duck Creek Power Generating Station
Location Map

0570255197 - Duck Creek Station Landfill

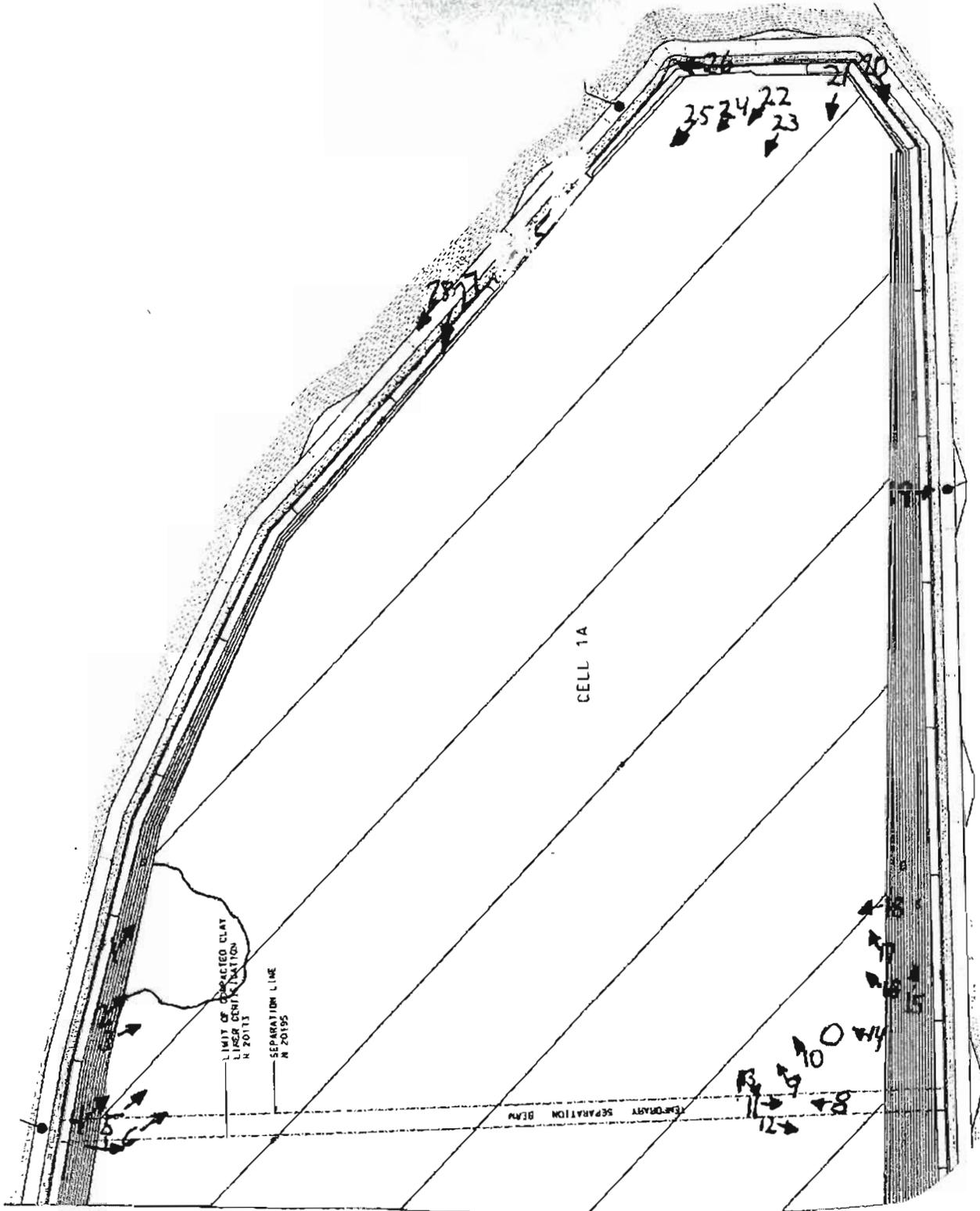
CCW Area

3 FEET
(WEST)

EET
(ST)

SD
SI

0570255197 -- Fulton County
Ameren Duck Creek Station LF
FOS
Prepared By: Robert J. Wagner
Inspection Date: April 9, 2009
Site Sketch





DATE: April 9, 2009

TIME: 10:08 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 1

PHOTOGRAPH FILE NAME:
0570255197~04092009-001.jpg

COMMENTS: The photograph
shows Cell 1A.



DATE: April 9, 2009

TIME: 10:09 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northeast.

PHOTOGRAPH NUMBER: 2

PHOTOGRAPH FILE NAME:
0570255197~04092009-002.jpg

COMMENTS: The photograph
shows Flyash generated from Duck
Creek Power Generating Station
that has been placed in Cell 1A.





DATE: April 9, 2009

TIME: 10:09 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 3

PHOTOGRAPH FILE NAME:
0570255197~04092009-003.jpg

COMMENTS: The photograph
shows Flyash generated from Duck
Creek Power Generating Station
that has been placed in Cell 1A.



DATE: April 9, 2009

TIME: 10:11 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 4

PHOTOGRAPH FILE NAME:
0570255197~04092009-004.jpg

COMMENTS: The photograph
shows Flyash generated from Duck
Creek Power Generating Station
that has been placed in Cell 1A.



DOCUMENT FILE NAME:
0570255197~04092009.doc



DATE: April 9, 2009

TIME: 10:11 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northeast.

PHOTOGRAPH NUMBER: 5

PHOTOGRAPH FILE NAME:
0570255197~04092009-005.jpg

COMMENTS: The photograph
shows Flyash generated from Duck
Creek Power Generating Station
that has been placed in Cell 1A.



DATE: April 9, 2009

TIME: 10:11 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 6

PHOTOGRAPH FILE NAME:
0570255197~04092009-006.jpg

COMMENTS: The photograph
shows Cell 1A.





DATE: April 9, 2009

TIME: 10:11 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 7

PHOTOGRAPH FILE NAME:
0570255197~04092009-007.jpg

COMMENTS: The photograph
shows Cell 1A.



DATE: April 9, 2009

TIME: 10:16 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 8

PHOTOGRAPH FILE NAME:
0570255197~04092009-008.jpg

COMMENTS: The photograph
shows Cell 1A. The photograph
Also shows Flyash generated from
Duck Creek Power Generating
Station that has been placed in
Cell 1A.





DATE: April 9, 2009

TIME: 10:16 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 9

PHOTOGRAPH FILE NAME:
0570255197~04092009-009.jpg

COMMENTS: The photograph
shows Cell 1A and a collapsible
leachate holding tank.



DATE: April 9, 2009

TIME: 10:16 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 10

PHOTOGRAPH FILE NAME:
0570255197~04092009-010.jpg

COMMENTS: The photograph
shows Cell 1A and a collapsible
leachate holding tank.





DATE: April 9, 2009

TIME: 10:17 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 11

PHOTOGRAPH FILE NAME:
0570255197~04092009-011.jpg

COMMENTS: The photograph
shows the leachate collection
system and the "spill way".



DATE: April 9, 2009

TIME: 10:17 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southeast.

PHOTOGRAPH NUMBER: 12

PHOTOGRAPH FILE NAME:
0570255197~04092009-012.jpg

COMMENTS: The photograph
shows the "spill way".





DATE: April 9, 2009

TIME: 10:17 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southeast.

PHOTOGRAPH NUMBER: 13

PHOTOGRAPH FILE NAME:
0570255197~04092009-013.jpg

COMMENTS: The photograph
shows the "spill way".





DATE: April 9, 2009

TIME: 10:20 AM

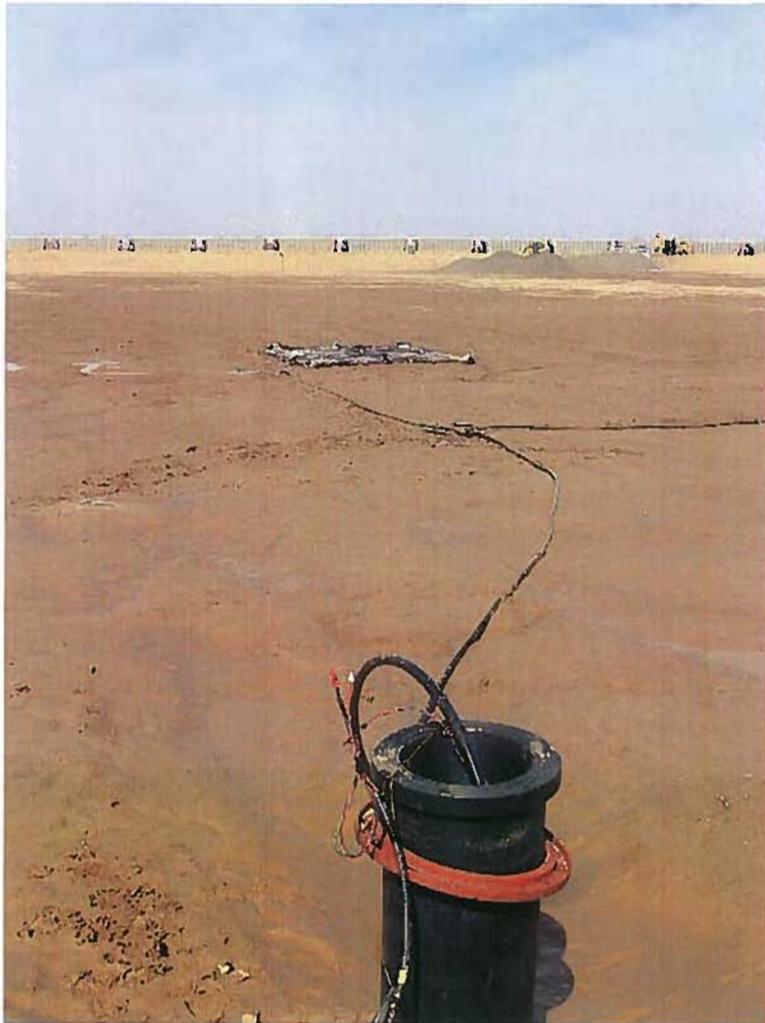
PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 14

PHOTOGRAPH FILE NAME:
0570255197~04092009-014.jpg

COMMENTS: The photograph
shows main leachate collection pipe
and the collapsible leachate holding
tank.





DATE: April 9, 2009

TIME: 10:21 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the north.

PHOTOGRAPH NUMBER: 15

PHOTOGRAPH FILE NAME:
0570255197~04092009-015.jpg

COMMENTS: The photograph
shows Cell 1A and a the ground
water monitoring wells.



DATE: April 9, 2009

TIME: 10:21 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 16

PHOTOGRAPH FILE NAME:
0570255197~04092009-016.jpg

COMMENTS: The photograph
shows Cell 1A.





DATE: April 9, 2009

TIME: 10:17 AM

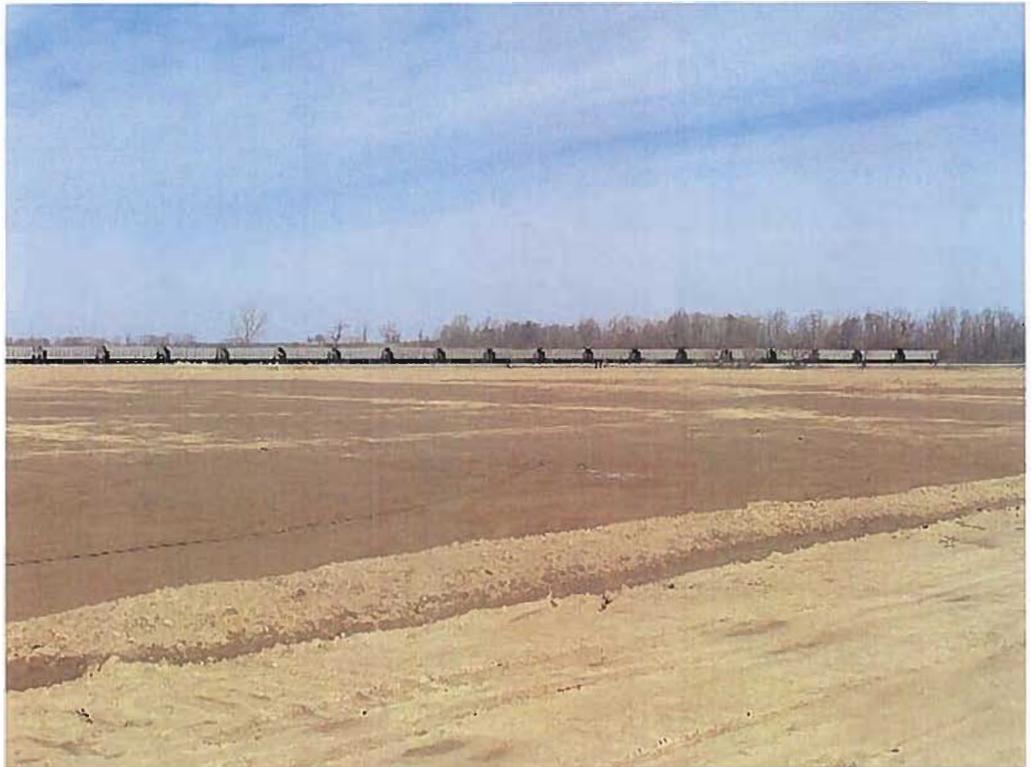
PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the northwest.

PHOTOGRAPH NUMBER: 17

PHOTOGRAPH FILE NAME:
0570255197~04092009-017.jpg

COMMENTS: The photograph
shows Cell 1A.



DATE: April 9, 2009

TIME: 10:22 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 18

PHOTOGRAPH FILE NAME:
0570255197~04092009-018.jpg

COMMENTS: The photograph
shows Cell 1A.





DATE: April 9, 2009

TIME: 10:23 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the east.

PHOTOGRAPH NUMBER: 19

PHOTOGRAPH FILE NAME:
0570255197~04092009-019.jpg

COMMENTS: The photograph
shows groundwater monitoring well
G14L.





DATE: April 9, 2009

TIME: 10:32 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 20

PHOTOGRAPH FILE NAME:
0570255197~04092009-020.jpg

COMMENTS: The photograph
shows Cell 1A.



DATE: April 9, 2009

TIME: 10:32 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the south.

PHOTOGRAPH NUMBER: 21

PHOTOGRAPH FILE NAME:
0570255197~04092009-021.jpg

COMMENTS: The photograph
shows Cell 1A.





DATE: April 9, 2009

TIME: 10:32 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southwest.

PHOTOGRAPH NUMBER: 22

PHOTOGRAPH FILE NAME:
0570255197~04092009-022.jpg

COMMENTS: The photograph
shows Cell 1A.



DATE: April 9, 2009

TIME: 10:32 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southwest.

PHOTOGRAPH NUMBER: 23

PHOTOGRAPH FILE NAME:
0570255197~04092009-023.jpg

COMMENTS: The photograph
shows Cell 1A.





DATE: April 9, 2009

TIME: 10:32 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southwest.

PHOTOGRAPH NUMBER: 24

PHOTOGRAPH FILE NAME:
0570255197~04092009-024.jpg

COMMENTS: The photograph
shows Cell 1A.



DATE: April 9, 2009

TIME: 10:32 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southwest.

PHOTOGRAPH NUMBER: 25

PHOTOGRAPH FILE NAME:
0570255197~04092009-025.jpg

COMMENTS: The photograph
shows Cell 1A.





DATE: April 9, 2009

TIME: 10:32 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the west.

PHOTOGRAPH NUMBER: 26

PHOTOGRAPH FILE NAME:
0570255197~04092009-026.jpg

COMMENTS: The photograph
shows Cell 1A.



DATE: April 9, 2009

TIME: 10:35 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southwest.

PHOTOGRAPH NUMBER: 27

PHOTOGRAPH FILE NAME:
0570255197~04092009-027.jpg

COMMENTS: The photograph
shows Cell 1A.





DATE: April 9, 2009

TIME: 10:35 AM

PHOTOGRAPHED BY:
Robert J. Wagner

DIRECTION: Photograph taken
toward the southwest.

PHOTOGRAPH NUMBER: 28

PHOTOGRAPH FILE NAME:
0570255197~04092009-028.jpg

COMMENTS: The photograph
shows Cell 1A.



RECEIVED
CLERK'S OFFICE

MAY 29 2009

STATE OF ILLINOIS
Pollution Control Board

PROOF OF SERVICE

I hereby certify that I did on the 27th day of May 2009, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

ORIGINAL

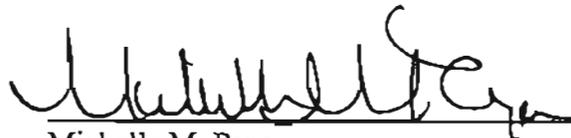
To: Ameren Energy Generating Company
James A. Tiskos, Registered Agent
17751 North Cilco Road
Canton, IL 61520
7007 3020 0002 3214 3466

Ameren Corporation
James A. Tiskos, Registered Agent
1901 Chouteau MC-602
St. Louis, MO 63103
7007 3020 0002 3214 3459

Jerry Simpson, Certified Operator
300 Sur Woods Drive
Effingham, IL 62401
7007 3020 0002 3214 3442

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

To: John Therriault, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601



Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

THIS FILING SUBMITTED ON RECYCLED PAPER