

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 E.

217/785-0561

June 11, 2012

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Just 1 - ...

ENVIRONMENTAL SERVICES MODVEST GENERATION COSE, LLC

ENVIRONMENTAL SERVICES MIDWEST GENERATION EME, LLC

CERTIFIED MAIL # 7010 2780 0002 1163 7254 RETURN RECEIPT REQUESTED

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, Powerton Generating Station

Identification No.: 6282

Violation Notice No.: W-2012-00057

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 Mail St., Collinsville, IL 62234 (618)346-5120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000 5407 N. University St., Arbor 113, Peorla, IL 61614 (309)693-5462 2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200 100 W. Randalph, Suite 11-300, Chicago, IL 60601 (312)814-6026 Page 2 of 2

ID: 6282 Midwest Generation, LLC, Powerton Generating Station VN W-2012-00057

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-2012-00057.

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

MIDWEST GENERATION, LLC, POWERTON GENERATING STATION, ID:6282 VIOLATION NOTICE NO. W-2012-00057:

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:

	Sample Value	GW Standard	Collection Date
рH	6.39 su	6.5 - 9.0 su	12/12/2011
Boron	2.9 mg/l	2.0 mg/l	3/19/2012
Nitrate	11 mg/l	10.0 mg/l	9/20/2011

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-2 for the following constituents:

Parameter Sample Value GW Standard Collection Date pH 6.41 su 6.5-9.0 su 12/12/2011

MIDWEST GENERATION, LLC, POWERTON GENERATING STATION, ID:6282 VIOLATION NOTICE NO. W-2012-00057:

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 including an estimated time period for resolution.

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
рH	6.39 su	6.5-9.0 su	12/12/2011
Boron	2.9 mg/l	2.0 mg/l	3/19/2012
Nitrate	11 mg/l	10.0 mg/l	9/20/2011

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-2 for the following constituents:

Parameter Sample Value GW Standard Collection Date pH 6.41 su 6.5-9.0 su 12/12/2011

MIDWEST GENERATION, LLC, POWERTON GENERATING STATION, ID:6282 VIOLATION NOTICE NO. W-2012-00057:

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
pН	6.37 su	6.5-9.0 su	12/12/2011
Mánganese	0.35 mg/l	0.15 mg/l	12/12/2011
Manganese	0.69 mg/l	0.15 mg/l	9/20/2011
Manganese	0.41 mg/l	0.15 mg/l	6/16/2011
Manganese	0.68 mg/l	0.15 mg/l	3/25/2011

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-5 for the following constituents:

Parameter	Sample Value	GW Standard	Collection Date
pН	6.34 su	6.5-9.0 su	12/12/2011
Manganese	0.26 mg/l	0.15 mg/l	3/19/2012
Manganese	0.50 mg/l	0.15 mg/l	12/12/2011
Manganese	0.64 mg/l	0.15 mg/l	9/20/2011
Manganese	0.48 mg/l	0.15 mg/l	6/16/2011
Manganese	0.49 mg/l	0.15 mg/l	3/25/2011
Manganese	0.51 mg/l	0.15 mg/l	12/15/2010

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.

Violation

Description

Operations at ash impoundments have resulted in violations of the Groundwater Quality Standards at monitoring well MW-6 for the following constituents:

Parameter	Sample Value	GW Standard	Collection Date
Manganese	0.61 mg/l	0.15 mg/l	3/19/2012
Manganese	0.63 mg/l	0.15 mg/l	12/12/2011
Manganese	0.66 mg/l	0.15 mg/l	9/20/2011
Manganese	0.63 mg/l	0.15 mg/1	6/16/2011
Manganese	0.68 mg/l	0.15 mg/l	3/25/2011
Manganese	0.68 mg/1	0.15 mg/l	12/15/2010

MIDWEST GENERATION, LLC, POWERTON GENERATING STATION, ID:6282 VIOLATION NOTICE NO. W-2012-00057:

Violation

Description

MW-6 continued

Parameter Sample Value GW Standard Collection Date Chloride 210 mg/l 200 mg/l 9/20/2011

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-7 for the following constituents:

Parameter	Sample Value	GW Standard	Collection Date
pН	6.45 su	6.5-9.0 su	12/12/2011
Arsenic	0.23 mg/l	0.05 mg/l	3/19/2012
Arsenic	0.23 mg/1	0.05 mg/l	12/12/2011
Arsenic	0.18 mg/l	0.05 mg/l	9/20/2011
Arsenic	0.12 mg/1	0.05 mg/l	6/16/2011
Arsenic	0.085 mg/l	0.05 mg/1	3/25/2011
Iron	31 mg/l	5.0 mg/l	3/19/2012
Iron	26 mg/l	5.0 mg/l	12/12/2011
Iron	22 mg/l	5.0 mg/l	9/20/2011
Iron	10 mg/l	5.0 mg/l	6/16/2011
Iron	7.5 mg/l	5.0 mg/l	3/25/2011
Iron	8.0 mg/l	5.0 mg/l	12/15/2010
Lead	0.039 mg/l	0.0075 mg/l	12/15/2010
Manganese	11 mg/l	0.15 mg/l	3/19/2012
Manganese	12 mg/l	0.15 mg/l	12/12/2011
Manganese	12 mg/l	0.15 mg/l	9/20/2011
Manganese	6.4 mg/l	0.15 mg/l	6/16/2011
Manganese	5.9 mg/l	0.15 mg/l	3/25/2011
Manganese	3.5 mg/l	0.15 mg/1	12/15/2010
Selenium	0.054 mg/l	0.05 mg/1	12/12/2011
TDS	1,400 mg/l	1,200 mg/l	3/19/2012
TDS	1,300 mg/l	1,200 mg/l	12/12/2011
TDS	1,300 mg/l	1,200 mg/l	9/20/2011
TDS	1,300 mg/l	1,200 mg/l	6/16/2011

MIDWEST GENERATION, LLC, POWERTON GENERATING STATION, ID:6282 VIOLATION NOTICE NO. W-2012-00057:

Violation

Description

Operations at ash impoundments have resulted in violations of the Groundwater Quality Standards at monitoring well MW-8 for the following constituents:

Parameter	Sample Value	GW Standard	Collection Date
Manganese	0.27 mg/l	0.15 mg/l	3/19/2012
Manganese	0.20 mg/l	0.15 mg/l	12/12/2011
Manganese	0.18 mg/l	0.15 mg/l	9/20/2011
Manganese	0.29 mg/l	0.15 mg/l	6/16/2011
Manganese	0.27 mg/l	0.15 mg/l	3/25/2011
Chloride	210 mg/l	200 mg/l	9/20/2011
Chloride	210 mg/l	200 mg/l	3/25/2011

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-9 for the following constituents:

Parameter	Sample Value	GW Standard	Collection Date
На	6.31 su	6.5-9.0 su	12/12/2011
Manganese	0.22 mg/l	0.15 mg/l	3/19/2012
Manganese	0.28 mg/l	0.15 mg/l	12/12/2011
Manganese	0.48 mg/l	0.15 mg/l	6/16/2011
Manganese	0.45 mg/l	0.15 mg/l	3/25/2011
Manganese	0.43 mg/l	0.15 mg/l	2/15/2011
Manganese	0.23 mg/l	0.15 mg/l	12/16/2010
Manganese	0.19 mg/l	0.15 mg/l	12/15/2010
Selenium	0.072 mg/l	0.05 mg/l	3/25/2011
Boron	2.6 mg/l	2.0 mg/l	3/19/2012
Boron	2.7 mg/1	2.0 mg/l	12/12/2011
Boron	2.5 mg/l	2.0 mg/l	9/20/2011
Boron	2.5 mg/1	2.0 mg/l	9/19/2011
Boron	2.1 mg/l	2.0 mg/l	12/16/2010
Boron	2.2 mg/l	2.0 mg/l	12/15/2010
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MIDWEST GENERATION, LLC, POWERTON GENERATING STATION, ID:6282 VIOLATION NOTICE NO. W-2012-00057:

Violation

Description

Operations at ash impoundments have resulted in violations of the Groundwater Quality Standards at monitoring well MW-10 for the following constituents:

Parameter	Sample Value	GW Standard	Collection Date
pН	6.03 su	6.5-9.0 su	12/12/2011
Manganese	2.3 mg/l	0.15 mg/l	3/19/2012
Manganese	2.3 mg/l	0.15 mg/l	12/12/2011
Manganese	2.3 mg/l	0.15 mg/l	9/20/2011
Manganese	3.8 mg/l	0.15 mg/l	6/16/2011
Manganese	2.8 mg/l	0.15 mg/l	3/25/2011
Manganese	2.1 mg/l	0.15 mg/l	12/15/2010

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.

Violation Description

Operations at ash impoundments have resulted in violations of the Groundwater Quality Standards at monitoring well MW-11 for the following constituents:

Parameter	Sample Value	GW Standard	Collection Date
₽Ħq	6.48 su	6.5-9.0 su	12/12/2011
Manganese	2.9 mg/l	0.15 mg/l	3/19/2012
Manganese	2.5 mg/l	0.15 mg/l	12/12/2011
Manganese	2.9 mg/l	0.15 mg/l	9/19/2011
Manganese	2.2 mg/l	0.15 mg/l	6/16/2011
Manganese	3.6 mg/l	-0.15 mg/l	2/15/2011
Manganese	3.2 mg/l	0.15 mg/l	12/16/2010
Boron	2.3 mg/l	2.0 mg/l	3/19/2012

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-12 for the following constituents:

Parameter	Sample Value	GW Standard	Collection Date
Iron	5.6 mg/I	5.0 mg/l	6/16/2011
Iron	6.3 mg/l	5.0 mg/l	2/15/2011
Iron	5.5 mg/l	5.0 mg/l	12/15/2010

MIDWEST GENERATION, LLC, POWERTON GENERATING STATION, ID:6282 VIOLATION NOTICE NO. W-2012-00057:

Violation Description

MW-12 Continued:

Parameter	Sample	Value	GW Standard	Collection Date
Manganese	0.25	mg/l	0.15 mg/l	12/12/2011
Manganese	0.37	mg/l	0.15 mg/l	9/19/2011
Manganese	0.26	mg/l	0.15 mg/l	6/16/2011
Manganese	0.58	mg/l	0.15 mg/l	2/15/2011
Manganese	0.32	mg/l	0.15 mg/l	12/15/2010
Mercury	0.0096	mg/l	0.002 mg/l	12/15/2010
Chloride	210	mg/l	200 mg/1	12/12/2011

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-13 for the following constituents:

Parameter Manganese Manganese Manganese Manganese Manganese	Sample Value 3.5 mg/l 3.5 mg/l 3.6 mg/l 2.6 mg/l 2.9 mg/l	GW Standard 0.15 mg/l 0.15 mg/l 0.15 mg/l 0.15 mg/l 0.15 mg/l	Collection Date 4/10/2012 12/12/2011 10/13/2011 8/9/2011 6/16/2011
Manganese	2.7 mg/l	0.15 mg/1	4/25/2011
Manganese	3.8 mg/1	0.15 mg/l	2/15/2011
Manganese	5.0 mg/l	0.15 mg/l	12/15/2010
Selenium	0.056 mg/l	0.05 mg/l	8/9/2011
Boron	4.0 mg/l	2.0 mg/l	4/10/2012
Boron	4.1 mg/l	2.0 mg/l	12/12/2011
Boron	3.0 mg/l	2.0 mg/l	10/13/2011
Boron	2.7 mg/l	2.0 mg/l	8/9/2011
Boron	3.0 mg/l	2.0 mg/l	6/16/2011
Boron	2.6 mg/l	2.0 mg/l	4/25/2011
Boron	3.1 mg/l	2.0 mg/l	2/15/2011
Boron	3.9 mg/l	2.0 mg/l	12/15/2010
Sulfate	1,100 mg/l	400 mg/l	4/10/2012
Sulfate	1,100 mg/1	400 mg/l	12/12/2011
Sulfate	660 mg/l	400 mg/l	10/13/2011
Sulfate	440 mg/l	400 mg/l	8/9/2011
Sulfate	540 mg/l	400 mg/l	6/16/2011
Sulfate	580 mg/l	400 mg/l	4/25/2011
Sulfate	770 mg/l	400 mg/l	2/15/2011
Sulfate	1,400 mg/l	400 mg/l	12/15/2010

MIDWEST GENERATION, LLC, POWERTON GENERATING STATION, ID:6282 VIOLATION NOTICE NO. W-2012-00057:

Violation Description

MW-13 continued:

Parameter	Sample Value	GW Standard	Collection Date
Sulfate	580 mg/l	400 mg/l	4/25/2011
Sulfate	770 mg/l	400 mg/l	2/15/2011
Sulfate	1,400 mg/l	400 mg/l	12/15/2010
TDS	2,300 mg/l	1,200 mg/l	4/10/2012
TDS	2,100 mg/1	1,200 mg/l	12/12/2011
TDS	1,500 mg/l	1,200 mg/1	
TDS	1,300 mg/l	1,200 mg/l	10/13/2011
TDS	1,400 mg/1	1,200 mg/l	6/16/2011
TDS	1,600 mg/l	1,200 mg/l	4/25/2011
TDS	2,600 mg/l	1,200 mg/1	2/15/2011
-	2,000 mg/1	±,200 mg/l	12/15/2010

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.

Violation Description

Operations at ash impoundments have resulted in violations of the Groundwater Quality Standards at monitoring well MW-14 for the following constituents:

MIDWEST GENERATION, LLC, POWERTON GENERATING STATION, ID:6282 VIOLATION NOTICE NO. W-2012-00057:

Violation

Description

MW-14 continued:

Parameter	Sample Value	GW Standard	Collection Date
Chloride	240 mg/l	200 mg/l	8/9/2011
TDS	2,200 mg/l	1,200 mg/l	4/10/2012
TDS	1,800 mg/l	1,200 mg/1	12/12/2011
TDS	1,800 mg/l	1,200 mg/l	10/13/2011
TDS	2,000 mg/l	1,200 mg/l	8/9/2011
TDS	1,900 mg/l	1,200 mg/l	6/16/2011
TDS	1,800 mg/l	1,200 mg/l	4/25/2011
TDS	1,700 mg/l	1,200 mg/1	2/15/2011
TDS	1,800 mg/l	1,200 mg/l	12/15/2010

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.

Violation

Description

Operations at ash impoundments have resulted in violations of the Groundwater Quality Standards at monitoring well MW-15 for the following constituents:

			-
Parameter	Sample Value	GW Standard	Collection Date
Manganese	0.25~mg/1	0.15 mg/l	4/10/2012
Manganese	0.39 mg/l	0.15 mg/l	12/12/2011
Manganese	0.48 mg/l	0.15 mg/l	10/13/2011
Manganese	0.37 mg/l	0.15 mg/l	8/9/2011
Manganese	0.60 mg/l	0.15 mg/l	6/16/2011
Manganese	0.36 mg/l	0.15 mg/l	4/25/2011
Manganese	0.42 mg/1	0.15 mg/l	2/15/2011
Manganese	0.56 mg/l	0.15 mg/l	12/15/2010
Sulfate	650 mg/l	400 mg/l	6/16/2011
Chloride	210 mg/l	200 mg/l	
TDS	1,600 mg/l	1,200 mg/l	8/9/2011
	-,000 mg/1	1,200 mg/1	6/16/2011