BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:	)	
	)	
AMEREN ASH POND CLOSURE RULES	)	**R09-21**
(HUTSONVILLE POWER STATION)	)	**(Rulemaking – Land)**
PROPOSED: 35 ILL. ADM. CODE PART	)	
840.101 AND 840.144	)	
	)	

NOTICE OF FILING

To:

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

ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that we have today electronically filed with the Office of the Clerk of the Pollution Control Board **AMEREN ENERGY GENERTATING COMPANY'S POST-HEARING COMMENTS**, copies of which are herewith served upon you.

Joshua R. More

Dated: October 30, 2009

Kathleen C. Bassi
Joshua R. More
Amy Antoniolli
SCHIFF HARDIN, LLP
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
312-258-5500

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AMEREN ASH POND CLOSURE RULES	)	R09-21
(HUTSONVILLE POWER STATION) :	)	(Rulemaking – Land)
PROPOSED 35 ILL. ADM. CODE 840.101	)	
THROUGH 840.144	)	

AMEREN ENERGY GENERATING COMPANY'S POST-HEARING COMMENTS

NOW COMES Ameren Energy Generating Company ("Ameren" or "the Company"), by and through its attorneys, SCHIFF HARDIN LLP, and respectfully submits the following post hearing comments in the above-entitled matter to the Illinois Pollution Control Board ("Board"). Ameren appreciated this opportunity to supplement its testimony already filed in this matter and presented during the public hearing held on September 29, 2009.

On May 19, 2009, Ameren, pursuant to 35 Ill.Adm.Code §§ 102.208 and 102.210,[1] Sections 27 and 28 of the Environmental Protection Act ("Act"), 415 ILCS 5/27 and 28, and Section 8 of the Illinois Groundwater Protection Act, 415 ILCS 55/8, proposed to add to Subtitle G of the Board's rules new Subchapter j, Surface Impoundments, and new Part 840, Site-Specific Closure of Surface Impoundments, consisting of Subpart A, the site-specific rules applicable to Ash Pond D at Ameren's Hutsonville Power Station located in Crawford County, Illinois. In support of its proposal and pursuant to Section 102.202(b) Ameren has provided a Statement of Reasons, Technical Support Document, Testimony, and this comment.

The purpose of the proposed rule is to cover a gap in the Board's existing regulations and allow for the closure of Ash Pond D, a surface impoundment which managed coal combustion waste at Ameren's Hutsonville Power Station located in Crawford County, Illinois.

[1] Subsequent references to the Board's rules will be by section number only.

While the operation of Ash Pond D is regulated by Illinois EPA under the Board's Water Pollution Control rules, those rules and the permit issued pursuant to those rules do not address its closure. Furthermore, as recognized by the Board in *Petition of Ameren Energy Generating Company for Adjusted Standards from 35 Ill. Adm. Code Parts 811, 812, and 814,* AS 09-1 (Mar. 5, 2009), existing regulations addressing waste, waste hauling, and landfills at Parts 700 through 849, nonconsecutive, of the Board's rules do not sufficiently address the closure of surface impoundments, in particular, ash ponds used as water treatment facilities in connection with the management of coal combustion waste associated with coal-fired power plants. The ash ponds are not landfills as defined in the Board's solid waste regulations. 35 Ill. Adm. Code 810.103 (definitions of *landfill* and *surface impoundment*); and *see In re. Conversion Systems, Inc.*, 1993 WL 341270, at *1 and fn. 3, PCB AS 93-4, (August 26, 1993), ("the definition of landfill in the Board's landfill regulations presently does not include the surface impoundments commonly used by utilities for disposal"). They are unique and, therefore, a site-specific rule for their closure is needed.

Because the proposed rule addresses the closure of a surface impoundment containing coal-combustion waste, the Board's authority to adopt the proposed rule most appropriately arises under Section 22 of the Act and Section 8 of the Illinois Groundwater Protection Act.

BACKGROUND

After consultation with the Illinois Environmental Protection Agency ("Agency"), on March 5, 2009 Ameren proposed an adjusted standard to the landfill regulations to provide for closure of Ash Pond D at the Hutsonville Power Station. *Petition of Ameren Energy Generating Company for Adjusted Standards from 35 Ill. Adm. Code 811, 814, and 815 (Hutsonville Power Station)*, AS 09-1 (Mar. 5, 2009). The Board, however, determined that a site-specific

rulemaking and not an adjusted standard proceeding is the more appropriate Board regulatory mechanism under which Ameren should close Ash Pond D and directed Ameren to amend Subtitle G if it chose to proceed with a site-specific rulemaking. *Ameren Hutsonville AS*, AS 09-1, slip op. at 11 (Mar. 5, 2009). Therefore, on May 19, 2009, Ameren filed a proposal for site-specific rule. In reviewing the organization of the Board's rules, it appears that there is no logical place for closure of ash ponds at coal-fired power plants in the current structure. For that reason, Ameren here proposed that the Board add new Subchapter j to Subtitle G specific to Surface Impoundments. Ameren also proposed that the Board create a new Part 840, Site-Specific Closure of Surface Impoundments, under Subchapter j.[2]

On August 18, 2009, the Agency filed proposed revisions to Ameren's proposal, along with pre-filed testimony of several Agency staff from the Bureaus of Water and Land in support of its proposed revisions. The Agency's revisions endorsed the closure approach proposed by Ameren but revised the rule to conform to the Agency's procedural and reporting requirements and preferred mechanism for defining applicable groundwater quality standards both on and off-site. Following the filing of the Agency's proposed amendments, Ameren initiated contact with the Agency to address the differences between Ameren's initial proposal and the Agency's proposed revisions. As a result, the parties reached a resolution on the mechanics for closing Ash Pond D, and the joint proposal currently before the Board, submitted on September 22, 2009, reflects language supported by both Ameren and the Agency.

Board Hearing Officer, Mr. Timothy Fox, held a hearing on the rulemaking proposal on September 29, 2009 in Robinson, Crawford County. At hearing, Mr. Bollinger testified on behalf of Ameren, and Mr. Cobb, Mr. Buscher, Mr. Dunaway, Mr. Liebman, and Mr.

[2] Ameren recognizes that the Board must obtain the number of the new Part from the Secretary of State who may determine that 840 is not the appropriate number for the new Part.

Nightingale testified on behalf of the Agency.[3] Traci Barkley of Prairie Rivers Network ("PRN") also attended the hearing and asked questions of the witnesses.

While some details of the proposal have changed since the initial filing, the conceptual framework and general approach have not. Thus, the technical support document ("TSD") filed by Ameren along with Ameren's and the Agency's testimony provide the technical support for the joint proposal.

Protective of Human Health and the Environment

The record demonstrates that the proposed rule language, as amended by the parties, is protective of human health and the environment. Since 1984, Ameren has collected groundwater quality data at Hutsonville through a monitoring well network. As set forth in Chapters 6 and 8 of the TSD, groundwater impairments associated with Ash Pond D are generally localized to the area adjacent to and south of the pond. To determine the extent of off-site migration, Ameren used a calibrated groundwater flow and transport model, in conjunction with information gained from some temporary push wells. *See* TSD, Ch. 8. The model was calibrated to compare existing "in service" boron concentration and distribution levels to changes in such concentrations resulting from removing the impoundment from service and under a variety of capping scenarios ranging from no cap, native soil, compacted cay, and synthetic cover. Three model codes that are regularly used for landfill settings were used to simulate groundwater flow and contaminant transport: (1) post closure leachate percolation using the model developed by the U.S. Environmental Protection Agency ("USEPA"), the Hydrologic Evaluation of Landfill Performance (HELP) model; a three-dimensional groundwater flow MODFLOW analysis (developed by the U.S. Geological Survey); and (3) contaminant transport calculations via the

[3] The September 29, 2009 hearing transcript will be cited to throughout this comment as "Tr. at __."

MT3DMS model. Tr. at 31-32. The modeling results indicate that the off-site impacts in the upper zone of the underlying aquifer extend a distance of approximately 500 feet from the southern property line downgradient of Ash Pond D and there is no indication that impacts above Class I Groundwater Quality Standards exist within the lower zone of the underlying aquifer. *See* TSD, Ch. 8, pp. 505, 530 and Ch. 6. pp 202-207.

Groundwater usage near the Station is limited and no downgradient potable wells are known to exist. As set forth in Appendix H of Chapter 7 of the TSD, a search of the Illinois State Geological Survey IL WATER database identified six wells within one-half mile of Ash Pond D. Two of these wells are the plant production wells, and the other four are irrigation wells utilized by adjacent property owners. *See* TSD, Ch. 7, pp. 482-484. All six of these closer-in wells pump from the lower zone of the underlying aquifer, which, as discussed in Chapters 6 and 8 of the TSD, complies with Class I Groundwater Quality standards. Accordingly, Ash Pond D does not threaten existing uses of downgradient wells.

The City of Hutsonville's public water supply wells draw groundwater from the lower zone of the underlying aquifer approximately one mile south of Ash Pond D. Considering the relatively large distance to the City's wells, the observed easterly groundwater flow direction in the lower zone of the underlying aquifer at the site, and the fact that only one monitoring well (located at the edge of Ash Pond D) in this portion of the aquifer has experienced "nominal" ash leachate impacts, the City wells are not likely to ever be impacted by leachate from Ash Pond D. Tr. at 69-71, 90-91. This is supported by the groundwater modeling performed by Ameren, which indicates that off-site impacts in the upper zone of the underlying aquifer extend a distance of approximately 500 feet from the southern property line downgradient of Ash Pond D. *See* TSD, Ch. 8, p. 505, 530. Furthermore, there is no indication that off-site impacts above

Class I Groundwater Quality Standards exist or that there is an increasing trend in any of the wells screened in the lower zone of the underlying aquifer.[4] Tr. At 50-54.

Because groundwater flows towards the Wabash River, Ameren determined potential impacts of groundwater discharge to the Wabash River. As discussed in Appendix E of Chapter 7 of the TSD and Chapter 8 of the TSD, the daily loading rate for boron while the pond was in use, conservatively considering river water concentrations under the worst case (low flow conditions), were insufficient to significantly increase the boron concentration in the river. With dewatering of Ash Pond D, the daily loading rate for boron was decreased by approximately 85%. Moreover, USEPA's STORET database for the closest downstream monitoring station, one mile south of Ash Pond D, indicates boron concentrations lower than the median concentrations in the upper zone of the underlying aquifer upgradient of Ash Pond D. *See* TSD, Ch. 11.

Ameren arranged for a risk assessment to evaluate the risks of the selected closure option to human health and the environment under current and reasonably foreseeable future conditions and land uses. The assessment utilized a four step paradigm as identified by the USEPA and was conducted consistent with USEPA guidance for conducting a risk assessment as well as the Agency's Tiered Approach to Corrective Action Objectives. *See* TSD, Ch. 7.[5] The assessment concludes that the closure plan and associated activities will be protective of human health and the environment.

During the hearing PRN suggested that removal of the ash to an off-site landfill or for beneficial uses may be a viable alternative to the proposed closure. Tr. at 59-61. Ameren

[4] This information is in response to a question by PRN. Tr. at 23-24.

[5] This information is in response to a question by PRN. Tr. at 86-87.

investigated a variety of treatment or control options to close Ash Pond D, including removal for off-site disposal. As discussed in more detail in Chapter 5, pp. 23-24 and 73 of the TSD, removal and disposal in an off-site landfill is expected to cost between $23 million and $34 million. In this case source removal is not technically feasible or economically reasonable given site conditions and the amount of saturated ash that would have to be removed. Id. and Tr. at 61-62. As for removal of the ash for beneficial uses, no such market exists.[6] Tr. at 62-63. Furthermore, as Mr. Cobb noted during the hearing, the groundwater sampling data suggests that a "steady state condition in terms of geochemistry and equilibrium with hydrology" exists. Tr. at 66-67. If Ameren were to dig up a portion of the ash for beneficial use, it is possible that further degradation could occur. Id. Thus, off-site disposal and beneficial use are not viable alternatives.

The most cost effective closure scenario that is technically feasible and protective of human health and the environment is the installation of a geosynthetic membrane cap consistent with the Board's Landfill requirements and installation and operation of a groundwater collection trench. The groundwater collection trench will be installed along the southern property boundary.[7] The record shows that this closure scenario will be extremely effective in remediating the groundwater on-site and off-site and protecting both zones of the aquifer. Tr. at 51. Furthermore, the proposal meets the Agency's objectives to treat the groundwater as a resource and achieve compliance with the Board's groundwater regulations. *See* TSD, Ch. 8 pp. 505-506; Tr. at 50-51.

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[6] Exhibit 1 provides a summary of the ash beneficially used from the Hutsonville facility.

[7] PRN inquired about the depth of the collection trench. Tr. at 32. The depth of the trench will not be determined until Ameren commences with the engineering design and construction.

Request For A Moratorium

The Agency in Mr. Nightingale's pre-filed testimony requests that the Illinois Pollution Control Board consider initiating a "temporary moratorium on further site-specific rules for the closure of surface impoundments containing coal combustion wastes." The Agency cites two reasons for its request: (1) U.S. EPA is expected to issue *draft* regulations for the management of coal combustion waste by the end of the 2009 calendar year, and (2) the Agency does not have the resources to deal with potentially 70 additional requests for site-specific rulemakings for the other surface impoundments containing coal combustion waste that may need to undergo similar closure. Ameren is mindful of the Agency's resource issues but adamantly opposes the granting of such extraordinary relief.

The Agency cites to Section 28(a) of the Act (415 ILCS 5/28(a)) as the only authority for the Board to grant such a request. However, Section 28(a) does not grant the Board such authority. As the Board is well aware, Section 28(a) allows any person to present a written proposal for the adoption, amendment, or repeal of the Board's regulations. It does not grant the Board the authority to issue a moratorium on the right to seek a site-specific rule under Section 27 and 28 of the Act (415 ILCS 5/27 and 5/28). Reading into Section 28(a) the authority to grant a moratorium on a right proscribed in the Environmental Protection Act (the "Act") is contrary to the Illinois Constitution and plain language of the statute and would grant the Board legislative authority that is reserved for the Illinois General Assembly. Article II of the Illinois Constitution provides that:

> The public policy of the State and the duty of each person is to provide and maintain a healthful environment for the benefit of this and future generations. The General Assembly shall provide by law for the implementation and enforcement of this public policy.

The Illinois General Assembly implemented this public policy through the Illinois Environmental Protection Act. The Act created the Board. If an entity is a creature of statute "any power or authority claimed by it must find its source within the provision of its enabling statute." *Granite City of Nat'l Steel Co. v. PCB*, 155 Ill. 2d 149, 171 (1993). Illinois law does not allow an administrative agency to act freely. Sections 27 and 28 of the Act provide the people of the State of Illinois the right to seek a site-specific rule from the Board. The Act does not allow the Board to grant a rulemaking moratorium. Arguing otherwise would turn the law of administrative delegation on its head.

As such, a moratorium may only be imposed through legislative action, not through a Board order. Postponing the proper closure of such impoundments during a moratorium of undetermined length could potentially allow harm to human health or the environment in direct contravention with the Act and the Illinois Constitution. Ameren, therefore, opposes the Agency's request.

It is also important to note that, the anticipated federal proposal referenced by the Agency is only expected to be a *draft* proposal, which could take several years to finalize. In addition, until U.S. EPA proposes and enacts rules governing coal combustion waste, no one knows how such material will be characterized or whether such characterization and rules will be applicable to the closure of ash ponds similar to Ash Pond D. Lastly, it is important to note that in Mr. Nightingale's testimony, and presumably in support of the Agency's request for a moratorium, Mr. Nightingale identifies a number of Ameren impoundments (25) that he suggests may be the subject of site-specific rulemaking. This number appears to have been derived from a table, Exhibit 2, submitted to the Bureau of Water in response to an information request. Unfortunately, Mr. Nightingale does not appear to have a complete picture of the status of the

impoundments identified. Specifically, many of the impoundments referenced by Mr. Nightingale are under construction, not used to manage coal combustion waste or are expected to remain in active service for quite some time (in some cases for at least another 10 years). The Agency acknowledged at the hearing that they have not determined how many of the 70 impoundments mentioned will undergo closure activities at all. Tr. at 46. As the Agency is aware, Ameren has two facilities with impoundments covered by State Operating Permits that are scheduled to expire and as such will need to undergo closure similar to Ash Pond D. Tr. at 43. The Company believes that final closure of impoundments when they are no longer permitted as water treatment devices is both prudent and environmentally responsible. Should the Agency determine it may impose closure obligations through an existing regulatory mechanism or through other means that will not impose the resource intense burden of a site-specific rulemaking process, Ameren certainly is open to such an approach. In the absence of such a defined alternative, Ameren has no other option but to seek site-specific relief so it may properly cap and close these types of impoundment.

Sections 840.120 and 840.122

Technical advisor Anand Rao asked the participants to review Sections 840.120 and 840.122 of the joint proposal to see if those two sections could be broken down into subsections. In response to Mr. Rao's request, Ameren proposes to break Sections 840.120 and 840.122 into the following subsections:

Section 840.120 Groundwater Collection Trench

a) The owner or operator of Ash Pond D must design, install, and, consistent with any applicable wastewater discharge permit conditions, operate a groundwater collection trench along the south property boundary of the Hutsonville Power Station to prevent migration of groundwater impacted by Ash Pond D south of the property boundary.

b) Plans for the groundwater collection trench including, but not limited to, a plan for operation and maintenance, must be approved by the Agency in the closure plan.

c) The groundwater collection trench must be constructed according to a construction quality assurance program that meets the requirements of Section 840.146 of this Subpart.

d) Once compliance with the groundwater quality standards as set forth in Section 840.116 has been achieved in accordance with Section 840.118(a), the owner or operator of Ash Pond D may discontinue operation of the groundwater collection trench.

1) Upon discontinuing operation of the groundwater collection trench, the owner or operator must perform four quarterly sampling of the groundwater monitoring system wells as identified in the post-closure care plan, or modification thereof, to ensure compliance with the applicable groundwater quality standards set forth in Section 840.116.

2) Results of the four quarterly sampling must be included in the post-closure report documentation. If compliance is not confirmed, operation of the groundwater collection trench and discharge system must be resumed.

Section 840.122 Groundwater Discharge System

a) Groundwater collected in the groundwater collection trench must be directed to an outfall for which the Hutsonville Power Station has NPDES authorization or to another option as approved by the Agency in the closure plan or post-closure care plan.

b) The groundwater discharge system must be constructed according to a construction quality assurance program that meets the requirements of Section 840.146 of this Subpart.

c) Plans for the groundwater discharge system including, but not limited to, a plan or operation and maintenance, must be approved by the Agency in the closure plan.

Mr. Rao also asked for a copy of the tritium analysis Ameren performed in response to the Agency's request. Attached hereto as Exhibit 3 is the tritium analysis and the Agency's request for the same.

Conclusion

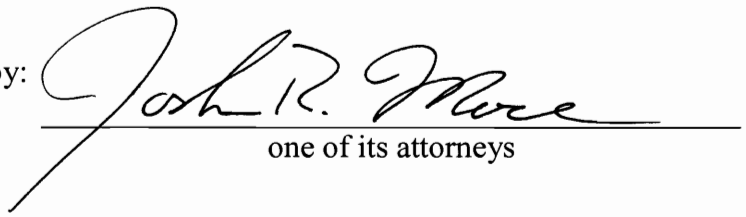
Ameren and the Agency jointly propose this site-specific rulemaking for the closure of Ash Pond D at the Hutsonville Power Station. The key elements include the comprehensive site investigation and groundwater monitoring system, environmentally protective final closure scenario, extensive groundwater monitoring during the post-closure care period, and adherence to on-site and off-site groundwater quality standards that are based on or reference the Board's requirements for groundwater quality at 35 Ill. Adm. Code 620. These key elements are supported by provisions for direct oversight by the Agency, the submission of plans, reports and monitoring results for review by the Agency, construction quality assurance requirements, and procedural requirements for reviews leading to final determinations by the Agency.

Based on information and modeling presented by Ameren in its Technical Support Document, off-site groundwater will, over time, return to compliance with Board water quality standards, and additional contaminant loading to the groundwater will be substantially reduced. Therefore, the joint proposal will be protective of human health and the environment as well as existing on-site uses of groundwater and existing and potential off-site uses of groundwater.

WHEREFORE, for the foregoing reasons, Ameren respectfully requests the Board to adopt for first notice publication in the Illinois Register the proposed rulemaking language, as amended by the proponents' Joint Statement and this comment, for the site-specific closure of Ash Pond D at the Hutsonville Power Station as proposed by Ameren and the Agency.

Respectfully submitted,

AMEREN ENERGY GENERATING COMPANY

by: 
one of its attorneys

Dated: October 30, 2009

Joshua R. More
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Amy Antoniolli
SCHIFF HARDIN LLP
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
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CH2\7950257.6

EXHIBIT 1

Ameren CCP Ash Beneficial Use

Plant	Tons					
	2003	2004	2005	2006	2007	2008
Hutsonville						
Ash Production						
- Fly ash	16,421	22,811	25,689	16,464	20,121	22,600
- Bottom Ash	7,037	9,776	11,010	7,056	8,623	9,686
Total	23,458	32,587	36,699	23,521	28,745	32,286
Ash Utilized						
- Fly ash	0	0	0	0	0	0
- Bottom Ash	0	0	6,105	4,391	3,189	4,450
Total	0	0	6,105	4,391	3,189	4,450

EXHIBIT 2

Ameren Corporation Ash Pond Survey

Plant	Pond Name	Lined/Unlined	Liner Type	Pond volume (note 1)	Ash volume (~A-ft)	Groundwater monitoring	Alternatives	Berms above or below grade	Dam Safety Class	Routine berm inspections (note 2)	Third party berm inspection review	Third party structural design review
Coffeen	Recycle Pond		native soil	500	250		bottom ash marketed	above	na	annual	yes	none
	Gypsum Stack	composite	clay/double 60mil HDPE	367	under construction	yes		above	I	future-annual		under construction
	Gypsum Recycle Pond	yes	60mil HDPE	261	under construction	yes		above	III	future-annual		under construction
Duck Creek	Ash Pond 1		native soil	1300	1900	yes		above	na	annual	yes	none
	Ash Pond 2		native soil	1000	800	yes		above	na	annual	yes	none
	Recycle Pond		native soil	350	50	yes		above	na	annual	yes	none
	Gypsum Stack	composite	clay/double 60mil HDPE	632	under construction	yes		above	III	future-annual		under construction
	Gypsum Recycle Pond	yes	60mil HDPE	116	under construction	yes		above	III	future-annual		under construction
	New Bottom Ash Pond	yes	60mil HDPE	10	under construction			above	na	note 4		under construction
Edwards	Ash Pond		native soil	1800	1100		concrete marketed/mine reclamation	above	na	annual	yes	none
Grand Tower	Ash Pond		native soil	157	132			above	na	annual	yes	none
Hutsonville	Ash Pond A	yes	HDPE	250	300	yes	dry disposal/beneficial use	above	III	annual	yes	none
	Ash Pond B	yes	HDPE	70	10	yes		above	na	annual	yes	none
	Ash Pond C	yes	HDPE	20	5	yes		above	na	annual	yes	none
	Ash Pond D		native soil	320	320	yes		above	na	annual-planned		none
	Bottom ash pond		native soil	6	3	yes	anti-skid/road base	below	na	annual-planned		none
Meredosia	Fly Ash Pond		native soil	500	450		concrete marketed/mine reclamation	above	na	annual	yes	none
	Bottom Ash Pond		native soil	90	50		anti-skid/road base	above	na	annual	yes	none
Newton	Primary Ash Pond		native soil	8000	2000		~2/3 flyash marketed for concrete	above	na	annual	yes	none
	Secondary Ash Pond		native soil	100	10			above	na	annual	yes	none
Venice	Ash Pond 2		native soil	356	note 3	yes		above	na	annual	yes	none
	Ash Pond 3		native soil	595	note 3	yes		above	na	annual	yes	none

NOTES: 1. - Volumes (liquid capacity) are approximate. Units = acre-feet.
2. - Additional observations are performed by plant operations staff during their daily routine. Any changes from previous observvations are noted, as appropriate.
3. - Ash volume for Venice was not able to be estimated at this time.
4. - The new Duck Creek Bottom Ash Basin interior is concrete.

EXHIBIT 3

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

217/782-0610

DOUGLAS P. SCOTT, DIRECTOR

July 16, 2009

Ameren Energy Generating Company
Environmental, Safety and Health
One Ameren Plaza
1901 Chouteau Avenue
P.O. Box 66149
St. Louis, Missouri 63166-6149

Re: Ash Impoundment D Closure
Confining Unit Integrity Test
Hutsonville Station – NPDES Permit No. IL0004120

Gentlemen:

As part of its efforts to review the proposed site specific rule for the closure of Ash Pond D at the Hutsonville Station, the Illinois Environmental Protection Agency (Illinois EPA) wishes to confirm the integrity and continuous nature of the confining unit described in the technical documents.

Therefore, pursuant to the authority of Sections 4 and 12 of the Illinois Environmental Protection Act (415 ILCS 5/et seq.) the Illinois EPA requests that an enriched tritium analysis be performed on one sample taken from each of the following monitor wells: MW-7D, MW-14, MW-115D, MW-115S, and MW-121. The detection limit for the tritium analysis should be one tritium unit ("TU"). This analysis is requested in order to confirm that the confining unit is continuous between the "upper migration zone" and the "deep alluvial aquifer", as described in the technical support document of the proposed rule-making for closure of Ash Pond D at Hutsonville Power Station. Refer to http://www.epa.state.il.us/water/tritium.html for further information on enriched tritium analysis.

Thank you for your efforts. If you have any question concerning this letter, please contact Darin LeCrone of the Industrial Unit or Bill Buscher of the Hydrogeologic and Assessment Unit.

Sincerely,

Alan Keller, P.E.
Manager, Permit Section
Division of Water Pollution Control

cc: Springfield Region
Bill Buscher
Records

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

Institute of Natural Resource Sustainability
Illinois State Geological Survey

615 East Peabody Drive
Champaign, Illinois 61820

Isotope Analysis Report

TO: Mike Bollinger
Ameren Services
1901 Chouteau Ave., MC 602
PO Box 66149
St. Louis, MO 63166-6149

FROM: Keith C. Hackley, Ph.D.
ISGS - INRS
University of Illinois
615 E. Peabody
Champaign, IL 61820

Date: 9/24/09: Ameren, water samples, Tritium Analysis:

ISGS No.	Sample ID	Tritium (TU)	std dev. ± TU
1811	Ameren Hutsonville/River	5.66	±0.22
1813	Ameren Hutsonville/MW #14	4.00	±0.26
1814	Ameren Hutsonville/MW #115	5.90	±0.28
1815	Ameren Hutsonville/Plant Well	3.82	±0.23

(Analyst: Shari Fanta)

TU stands for Tritium Unit. One TU is defined as one tritium atom per 10^{18} hydrogen atoms, or 7.088 dpm/ kg H_2O, or 3.193 pCi/kg H_2O. The tritium sample was run using the enrichment technique (distillation, electrolysis, plus liquid scintillation counting). Tritium reported as "< value" had measured results that were less than 3 times the standard deviation. These < values are then calculated by multiplying the standard deviation by 2.5 and adding the measured tritium result to it, the lowest value we report is < 0.5 TU.

Isotope Geochemistry Section

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 30th day of October, 2009, I have served electronically the attached **AMEREN ENERGY GENERTATING COMPANY'S POST-HEARING COMMENTS** upon the following persons:

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

Mark Wight, Assistant Counsel
Kyle Nash Davis, Assistant Counsel
Illinois Environmental Protection Agency
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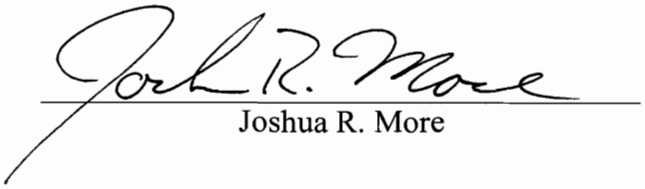
Tim Fox, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

and by first class mail, postage affixed, to the persons on the **ATTACHED SERVICE LIST**.



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