OFFICE OF PUBLIC UTILITIES
CITY OF SPRINGFIELD, ILLINOIS

J. MICHAEL HOUSTON, MAYOR

Ex. 32

VIA CERTIFIED MAIL

April 2, 2014

Ms. Andrea Rhodes
Mr. Michael Crumly
Illinois Environmental Protection Agency
Division of Public Water Supplies, CAS #19
P.O. Box 19276
Springfield, IL 62794-9276

Re: Violation Notice No.: W-2014-00002
Facility No.: IL 1671200
(Springfield—City Water, Light & Power)

Dear Ms. Rhodes and Mr. Crumly,

This is written on behalf of the City of Springfield, Office of Public Utilities, City Water, Light & Power (CWLP) regarding the above-referenced Violation Notice (VN) received by Mayor Houston on February 25, 2014.

The VN alleges that operations at CWLP's ash impoundments have resulted in exceedances of Groundwater Quality Standards in four (4) groundwater monitoring wells; more particularly that the Groundwater Quality Standard for boron has been exceeded in four (4) of these wells, and that one (1) well (AP-1R) also has exceeded the Groundwater Quality Standards for Sulfate and for TDS for sampling conducted by CWLP in 2012 and 2013. Boron is alleged to have exceeded the standard of 2.0 mg/L in well AP-2 with a sample value of 2.63 mg/L once (1x) in 2010. Well AP-2R is alleged to have eight (8) exceedances for boron in 2012 and 2013, with well AP-3 alleged to have eight (8) exceedances for boron in 2012 and 2013, and one in 2010.

As you know, these monitoring wells were voluntarily installed and sampled, and the results submitted to the Agency by CWLP pursuant to a groundwater monitoring plan voluntarily filed with the IEPA for approval (and approved) pursuant to the Agency's request to CWLP as part of its Ash Impoundment Strategy. CWLP engaged Andrews Engineering, Inc., which designed a plan to characterize the local hydrogeologic conditions specific to the impoundments, evaluate the potential for migration from the impoundments and identify potable water supply wells within 2,500 feet of the impoundments. Results were submitted to the Agency in August 2010 (with no potable water supply wells found within 2,500 feet). Thereafter, Andrews proposed locations for the installation of an additional background well, replacement of two downgradient wells, and collection of data and derivation of statistical background concentrations for groundwater quality evaluation, which was submitted and approved by the Agency, with statistical derivation of background concentrations underway. However, when

several parameters in an upgradient well exhibited significant decreasing trends during background sampling events, it was determined that utilizing these data would artificially elevate the background concentrations, and since the groundwater quality in that well did not stabilize, additional quarterly data were being collected. Once statistically valid data were collected, revised background concentrations were planned to be submitted to the Agency.

CWLP appreciates the Agency's efforts both before the VN and in the future to work with CWLP toward an acceptable and as cost-effective solution as possible to the issue of groundwater exceedances, which appear to have resulted from CWLP's operation of its ash impoundments, consistent with the steps of a scientific process to ensure that the groundwater and hydrogeologic conditions are properly investigated and assessed, to determine appropriate mitigation activities. As explained above, CWLP had been voluntarily engaged with the Agency in that process when the VN was issued.

Toward that end and consistent with Section 31(a)(2) of the Environmental Protection Act (Act), CWLP proposes and hopes to enter into a Compliance Commitment Agreement (CCA) with the Agency (as suggested in more detail below) and requests a meeting with the Agency to discuss the VN and CWLP's CCA proposal. As you know, CWLP has been participating in the rulemaking proceeding underway before the Illinois Pollution Control Board (IPCB) that would formalize a process for ash impoundment assessments for the protection of groundwater. CWLP's CCA proposal takes into consideration our Groundwater Monitoring Program already approved by the Agency and the steps that have been underway, proposing additional investigation in a manner that we hope would not require CWLP to engage in unnecessary costly duplicative consulting services once the regulations in R14-10 become final. CWLP notes that the VN did not set forth suggested mitigation activities or a suggested timeline toward compliance, and therefore suggests the next steps as follows:

Proposed CCA: Complete additional activities to investigate and assess the extent of concentrations exceeding the applicable standards and/or the background concentrations to the groundwater, based on available and ongoing groundwater monitoring results, potentially addressing the conditions in 35 Ill. Adm. Code 620.250. Within 45 days of the Agency's acceptance of CWLP's CCA, CWLP will submit an approvable assessment monitoring plan to the Agency for review which defines the subject activities.

- The approvable assessment monitoring plan will identify what parameters must be tested, by identifying the constituents of concern (COC).
- CWLP expects that the assessment monitoring plan would require approximately 8-10 Geoprobe borings located along the periphery of the specific affected monitoring wells, which may include areas across the creek (north and/or west).
- Discreet groundwater samples will be collected and analyzed from each borehole for each COC.
- One-inch piezometers may also be placed in borings where such data are deemed necessary or relevant for possible subsequent work.
- The next steps depend upon the results of these tasks; another phase of such activities may be necessary if the extent of elevated concentrations has not been determined.

Therefore, further steps or the timetable for additional activities is difficult to set forth, until the extent is determined.

Pursuant to Section 31 of the Act and the VN, because of the complexity of the issues presented, CWLP requests to meet with the Illinois EPA. CWLP reserves its right under Section 31 to amend or add to this response, following our meeting with the Illinois EPA. Please contact me with suggested dates to meet. I can be reached at: (217)789-2116 (ext. 2628) or at: Christine.zeman@cwlp.com. Thank you.

Sincerely,

Christine Zeman
Regulatory Affairs Director

Cy: PJ Becker
Sue Corcoran