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July 27, 2012

VIA OVERNIGHT MAIL

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

Re: Violation Notice: Midwest Generation, LLC, Will County Generating Station
Identification No.: 6283
Violation Notice No.: W-2012-00058

Dear Ms. Rhodes:

In response to the above-referenced June 11, 2012 Violation Notice ("VN"), received on June 13, 2012, this written response is timely submitted on behalf of the Midwest Generation, LLC ("MWG"), Will County Generating Station ("Will County"). MWG also requests a meeting with the Illinois Environmental Protection Agency ("Illinois EPA" or "Agency") to discuss the VN and the information provided in this response.

MWG regrets that the Illinois EPA decided to issue the VN because MWG has tried to work cooperatively with the Illinois EPA concerning the hydrogeologic assessment of the coal ash ponds at Will County even though it had significant concerns and objections to how the VN has proceeded in this matter.[1] Nevertheless, MWG complied with the Agency's request that it conduct a hydrogeologic assessment of the area around the coal ash ponds and followed its requirements and comments for how the hydrogeologic assessment should be conducted, even though it was under no legal obligation to do so.[2] At no time however did MWG agree that the scope and nature of the hydrogeologic assessment the Agency required it to perform would

[1] *See, e.g.*, MWG (B. Constantelos) letter to Illinois EPA (A. Keller) dated July 15, 2009. MWG is also working cooperatively with the USEPA with regards to the Coal Combustion Residuals Proposed Rules, EPA-HQ-RCRA-2009-0640, and is trying to coordinate the responses and requirements of both Agencies. USEPA first issued the proposed rules on June 21, 2010, and requested additional comments and information on October 12, 2011. The additional information comment period closed on November 14, 2011, and MWG is now waiting for the USEPA to issue the final rule.

[2] MWG continues to reserve its objection that the Illinois EPA did not have the legal authority to require the hydrologic assessments of the ash ponds under Sections 4 or 12 of the Illinois Environmental Protection Act (the "Act") or the Groundwater Quality Regulations, 35 Ill. Adm. Code Part 620.

provide any basis for concluding that the ash ponds were impacting groundwater. The alleged violations in the VN are based solely on the results of the hydrogeologic assessment MWG performed at the Agency's request. The results of the hydrogeologic assessment do not show that the coal ash ponds at the Will County Station are impacting the groundwater and do not provide the necessary evidence to support the alleged violations contained in the VN.

Well prior to the issuance of this VN, MWG met with the Agency to discuss the groundwater monitoring results and to discuss cooperatively how to proceed based on those results, including what additional actions, if any, the Agency believed were necessary. The Agency told MWG that it had not yet decided how to proceed. The next development was the issuance of the VN. The VN itself provides no information concerning the basis for the Agency's apparent conclusion that ash impoundments are the cause of the alleged groundwater impacts, other than the conclusory statement that "[o]perations at ash impoundments have resulted in violations of the Groundwater Quality Standards." The VN also provides no information concerning the nature or type of corrective action which the Agency may deem acceptable to address the alleged violations. The Agency is not pursuing this matter in a way that allows MWG to prepare an effective response or a Compliance Commitment Agreement.

This letter provides a detailed response to each of the alleged violations in Attachment A of the VN to the extent possible given lack of information provided in the VN. It also advances MWG's general objection to the legal sufficiency of the notice of the alleged violations contained in the VN. MWG maintains that the Illinois EPA cannot prove the alleged violations in the VN, and does not, by submitting this response, make any admissions of fact or law, or waive any of its defenses to those alleged violations.

I. General Objection to the Legal Sufficiency of the Violation Notice

The VN does not comply with the requirements of Section 31 of the Act. Section 31(a)(1)(B) of the Act requires the Illinois EPA to provide a detailed explanation of the violations alleged. 415 ILCS 5/31(a)(1)(B). Under the Act, MWG is entitled to notice of the specific violation charged against it and notice of the specific conduct constituting the violation.[3] The VN fails to provide adequate notice to MWG of either the alleged violations or the activities which the Agency believes are necessary to address them. The VN states that "[o]perations at ash impoundments have resulted in violations of the Groundwater Quality Standards...." (Violation Notice, Attachment A, page 1, 1st paragraph) No further description of the alleged "ash impoundments" is provided in the VN. Multiple ash impoundments exist at the Will County Station. It is impossible to identify from the contents of the VN what operations or activities at the Will County Station the Agency is claiming are the cause of the alleged violations, including whether it is the Agency's position that each of the Station's ash ponds, or

[3] *Citizens Utilities Co., v. IPCB*, 9 Ill.App.3d 158, 164, 289 N.E.2d 642, 648 (2nd Dist., 1972) (a person is entitled to notice of the specific violation charged against it and notice of the specific conduct constituting the violation). *See also, City of Pekin v. Environmental Protection Agency*, 47 Ill.App.3d 187, 192, 361 N.E.2d 889, 893 (3rd Dist., 1977.

only certain ones, have caused the alleged violations. Absent an accurate or complete description of the activities or operations that the Agency is alleging caused the violations, it is also not possible to identify what action might be necessary to resolve them. Attachment A to the VN states: "Included with each type of violation is an explanation of the activities that the Illinois EPA believes may resolve the violation." However, no such explanation is provided in the VN. In sum, the VN fails to comply with the legal requirement that it include a detailed explanation of the violations alleged, does not inform MWG of the specific conduct constituting the alleged violations and provides no notice of what is necessary to resolve the alleged violations. The Section 31 process is based on fundamental principles of due process. MWG should not have to speculate about what activities it allegedly engaged in that caused the violations and how to address them to resolve the alleged violations. In the absence of this material, statutorily-required information, the Agency also has effectively denied MWG's statutory right to formulate an acceptable Compliance Commitment Agreement to submit for the Agency's approval.

The VN is also deficient regarding its explanation of what laws MWG has allegedly violated. The VN solely alleges that MWG violated "Section 12" of the Act. 415 ILCS 5/12. It does not provide any further specification as to which of the provisions of Section 12 MWG has allegedly violated.

Section 12 of the Act has nine subsections, consecutively numbered (a) through (i). Each of these subsections describes a different and distinct water pollution prohibition. 415 ILCS 5/12(a)-(i). However, the VN issued to MWG does not identify which of the nine subsections the Agency is alleging MWG violated. Based on the contents of Section 12 of the Act, the Agency is taking the position that MWG violated each and every one of the provisions of Section 12. Based on the relevant facts, it is highly unlikely that this is the intent of the VN. Therefore, the VN's general reference to Section 12 of the Act, without any other explanation, is not a "detailed explanation of the violations." This is yet another example of how the VN fails to provide MWG with adequate notice as a matter of law and thereby violates MWG's due process rights.[4]

By failing to provide a detailed explanation of the violations and any explanation of the activities that the Illinois EPA believes may resolve the violations, the Illinois EPA has effectively denied MWG the opportunity to properly and thoroughly respond to the alleged violations and to make an acceptable offer to resolve them. The VN's deficiencies conflict with the intent and purpose of Section 31 of the Act, which is to avoid unnecessary litigation. Therefore, MWG respectfully requests that Illinois EPA rescind the VN and suspend any further enforcement action unless and until it has taken the necessary actions to correct and cure the legal deficiencies in the notice of the alleged violations by following the statutory requirements under Section 31(a)(1)(B) of the Act. 415 ILCS 5/31(a)(1)(B).

[4] *See, e.g., Grigoleit Co. v. IEPA*, PCB 89-184, slip op at p. 11 (November 29, 1990) (Failure to notify permit applicant of alleged violations and provide an opportunity to provide information in response was a violation of applicant's due process rights).

II. Response to Alleged Violations in the VN

Subject to and without waiving its objections to the legal sufficiency of the VN, MWG nevertheless has attempted to discern the legal basis for the alleged violations and to prepare this response in defense to those allegations based on various assumptions. MWG reserves the right to supplement this response, including by submitting a separate response should the Agency provide the legally required notice under Section 31 of the Act.

The VN alleges that the "[o]perations at ash impoundments" at MWG's Will County Station have resulted in violations of certain of the Groundwater Quality Standards at the respective monitoring wells identified in the VN. (Violation Notice at Attachment A) MWG believes the Agency's use of the term "ash impoundments" is intended to refer to the structures that the Will County Station commonly refers to as "ash ponds," and that is how they will be referred to here. The Agency further alleges that the alleged violations of the groundwater quality standards in 35 Ill. Admin. Code § 620 also constitute violations of Section 12 of the Act and the underlying groundwater regulations in 35 Ill. Admin. Code § 620. It is undisputable that the Agency has the burden to prove these alleged violations both in proceedings before the Illinois Pollution Control Board and in the courts.[5] However, the groundwater monitoring data on which the Agency primarily, if not solely, relies to assert these violations is not sufficient, legally or technically, to prove that any "ash impoundments" is the source of the alleged groundwater impacts. Further, based on the existing condition of the ash ponds, it is not likely that they are a source of the alleged groundwater impacts.

To support its defense to the alleged violations, MWG has set forth below a description of: (1) the condition and use of the ash ponds at Will County; (2) the hydrogeologic assessment performed at the Will County Station; (3) the site hydrology; and (4) why the analytical data from the monitoring wells does not establish that the ash ponds are the source of the alleged exceedances of the groundwater standards.[6] In addition, for certain of the alleged exceedances, additional information not considered by the Agency shows that it is either more likely, or at least as likely, that the source of the alleged exceedance is something other than the ash ponds. In either case, the Agency cannot sustain its burden to prove the alleged violations.

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[5] Section 31(e) of the Act provides in relevant part: "In hearings before the Board under this Title, the burden shall be on the Agency...to show either that the respondent has caused or threatened to cause...water pollution or that the respondent has violated or threatens to violate any provision of this Act or any rule or regulation of the Board or permit or term or condition thereof." 415 ILCS 5/31(e); *Citizens Utilities v. IPCB*, 9 Ill. App. 3d 158, 164, 289 N.E.2d 642, 646 (1972) (the Agency has the burden of proof in enforcement actions).

[6] In preparing this response, MWG closely reviewed the groundwater monitoring reports previously submitted to the Agency for the monitoring wells that are identified in the VN. In the course of this review, some data transcription errors were found in the previously submitted data tables included in the groundwater monitoring reports. Copies of the corrected data tables are enclosed. The tables are annotated to identify the nature of the corrections made to the previously submitted reports. However, none of the transcription errors affected the values noted in the VN.

A. The Condition of the Ash Ponds

For several reasons, the construction and operation of the Will County ash ponds makes it unlikely that they are the cause of the alleged violations. The current construction and use of the ash ponds minimizes the potential for leakage from the ash ponds to groundwater.

First, the Will County ash ponds are relatively small and they are not used as permanent disposal sites for ash. Ash is stored in the ponds and removed as needed for operational purposes. This operating condition serves to minimize the potential for the release of ash constituents to the groundwater.

Second, unlike many other ash ponds in Illinois, the four ash ponds at Will County are not simply earthen ponds with no protection against the migration of constituents into the land or groundwater. Each of the Will County ash ponds is lined to prevent releases to groundwater. Moreover, as further described below, MWG previously instituted a program which evaluated the ash ponds maintained at its stations with regard to the potential risk of migration of ash constituents to the environment. Pursuant to this internal evaluation, MWG scheduled one of the ash ponds at Will County, Pond 3S, for replacement of its liner because its evaluation showed that this pond theoretically presented the highest threat of a release as compared to the other ponds. However, when MWG initiated the liner replacement project, it found that the existing liner of Pond 3S, consisting of Poz-o-Pac material used to line all of the Will County ash ponds at issue here, was intact and in excellent condition. It did not need to be replaced. Because the new liner materials had already been purchased and the funds committed for the liner replacement, MWG nevertheless proceeded to install the new liner on Pond 3S in 2009. In the course of that project, MWG further discovered that the Poz-o-Pac lining was in such good condition, that it was a significant challenge just to remove it from the ash pond so that the new liner could be installed. Because the Pond 3S liner project showed that the condition and integrity of its Poz-o-Pac liner was excellent, and the other three ash ponds have liners constructed of the same Poz-o-Pac material, the liners in the other three Will County ash ponds have not been replaced. The facts regarding the Pond 3S liner evaluation project serves to rebut the Agency's contention that the ash ponds are the source of the alleged groundwater impacts in the VN.

The other three Will County ash ponds that are still constructed of Poz-o-Pac material meet accepted standards for preventing the migration of constituents to the environment. Each has a bottom constructed of two 12-inch layers of Poz-o-Pac, surrounding 12 inches of fill material, and sides constructed of 3 feet of Poz-o-Pac.[7] The permeability of the Poz-o-Pac liner is 10^{-7} cm/sec. Notably, this is the same degree of permeability that is required in the Illinois Pollution Control Board ("Board") Regulations for constructing a new solid waste landfill where, unlike the ash ponds, waste materials are to be disposed of on a permanent basis. *See* 35 Ill. Admin. Code § 811.306(d). The liners in the Will County ash ponds achieve the level of permeability which the Illinois regulations expressly recognize is sufficient to prevent the release

[7] Poz-o-Pac is an aggregate liner similar to concrete.

of constituents to the environment. Hence, the facts regarding the liners in place for these three ash ponds also support the conclusion that the ash ponds are not the source of the exceedances of groundwater standards alleged in the VN.

The facts to rebut the Agency's alleged violations are even more persuasive regarding the fourth ash pond, Pond 3S. As noted above, Pond 3S was relined in 2009 with a high-density polypropylene (HDPE) liner. The existing Poz-o-Pac liner on the sides of Pond 3S remained in place, with the new HDPE liner placed on top of it, providing even greater protection against the release of ash constituents. The 2009 HDPE liner alone has a permeability of approximately 10^{-13} cm/sec. Hence, the current liner in Pond 3S achieves a level of permeability that is significantly better than the Illinois permeability requirements for solid waste landfills.

The VN contains no facts concerning the condition of the liners in the Will County ash ponds that would indicate that they are allowing ash constituents to escape from the ponds. For example, the Agency does not contend that there are any breaches in the integrity of the ash pond liners that are allowing ash constituents to be released to the groundwater. The Agency similarly does not claim that the materials used for the existing liners are inadequate to prevent the migration of constituents. The Agency would be hard pressed to make such a claim because the liner materials either meet or exceed the analogous requirements for Illinois landfills and the Agency approved the use of these materials when it issued the necessary construction permit for the liner installations. In the absence of such evidence, it is certainly far more likely than not that the existing ash ponds at the Will County Station are not the source of the groundwater impacts alleged in the VN.

B. Hydrogeologic Assessment and Site Hydrology

The VN appears to be based on the flawed premise that the hydrogeologic assessment which the Agency directed MWG to perform in the vicinity of the ash ponds would be sufficient to identify the ash ponds as the source of any elevated levels of constituents in the groundwater. This is simply not the case. The results of the hydrogeologic assessment at best give rise to more questions about the source of the alleged groundwater impacts, and do not prove that the existing ash ponds are the source of those impacts.

The results of the hydrogeologic assessment show that the site hydrology at Will County consists of a complex flow system through the underlying shallow dolomite bedrock. The local groundwater flow in the vicinity of the ash ponds appears to be divergent. However, based on the current water level data, it is not possible to conclude whether the ponds are the cause of the divergence or if other conditions may be affecting the groundwater flow system. Some general observations based on the groundwater monitoring data can be made relative to upgradient versus downgradient monitoring wells. The location of monitoring wells MW-1 and MW-2 generally can be considered to be upgradient of monitoring wells MW-7 and MW-8. Monitoring wells MW-3 through MW-6 can be generally considered to be located upgradient of wells MW-9 and MW-10. The results of a comparison of the groundwater monitoring results for these sets of upgradient and downgradient wells do not support the VN's allegation that the ash ponds are the

source of the alleged groundwater impacts. The monitoring data shows that the distribution of parameter concentrations is so random that the more defensible conclusion is that the ash ponds are not the source.

Generally, the parameters detected in downgradient monitoring wells are at equivalent or lower concentrations of constituents than in the associated upgradient well.[8] In fact, there are more exceedances of the groundwater standards detected in the upgradient wells than in wells downgradient of those locations. Some of the highest concentrations of constituents were found in monitoring well MW-4. The monitoring wells located downgradient of MW-4 (MW-9 and MW-10), which are also downgradient of the ash ponds themselves, consistently have lower parameter concentrations than those found in the upgradient MW-4 monitoring well. This is particularly true of the boron and sulfate levels, which are two typical ash leachate indicators. The detections in monitoring well MW-4 are consistently almost twice as high for boron and three to four times as high for sulfate than the levels found in downgradient monitoring wells MW-9 and MW-10. This pattern of boron and sulfate detections is totally inconsistent with the VN's allegation that the ash ponds are the source of the groundwater exceedances.

The following additional examples taken from the groundwater monitoring data show constituent distributions that are not consistent with the VN's allegation that the ash ponds are the source of impacts to groundwater:

Antimony: Only two monitoring wells, MW-1 and MW-2, show exceedances of antimony. Both of these wells are upgradient of monitoring wells MW-7 and MW-8 where antimony was never detected.

Manganese: The highest concentration of manganese in any of the monitoring wells was 1.0 milligrams per liter (mg/L) at monitoring well MW-4, a monitoring well that is upgradient of MW-9 and MW-10. If the ash ponds were causing the manganese exceedances, there should be higher concentrations of manganese in MW-9 and MW-10 than in MW-4. The reverse is the case here. Manganese has not been detected in MW-9 and the concentrations of manganese in MW-10 are significantly lower than in MW-4.

Additional, similar examples for the other alleged constituent exceedances can be found in the groundwater data from the monitoring wells. In sum, the pattern of the constituent concentrations across these monitoring wells clearly does not support the Agency's contention that the ash ponds are the source of these constituents. The data are more consistent with the opposite conclusion that the ash ponds are not causing these alleged exceedances.

The VN's allegation that the ash ponds are the source of the elevated levels of chloride detected in the groundwater is also wrong. A careful review of the chloride data shows that the

[8] An exception is boron in monitoring well MW-7.

source of the elevated chloride levels is unrelated to the ash ponds. All but one of the chloride exceedances occurred in March 2011. It is well documented that both shallow groundwater and surface water commonly exhibit higher concentrations of chloride in the spring due to rain and snow melt transporting dissolved road salt.[9] Also consistent with the identification of road salt as the source of the chloride exceedances is the fact that the highest concentrations of chloride were found in March 2011 in MW-9. It should also be noted that monitoring well MW-9 is located very close to the Des Plaines River. The Des Plaines River is a known receptor for chloride-containing stormwater and snow melt run-off. Thus, the presence of elevated chloride levels due to the use of road salt is a known occurrence in the vicinity of these monitoring wells. Additional evidence that road salt is the likely source of the chloride exceedances is provided by the March 2012 groundwater monitoring results. There were no exceedances of the chloride groundwater standards in any of the Will County Station monitoring wells in March 2012. These results are consistent with the fact that the Chicago Area had relatively little snow in the 2012 winter and road salt was rarely needed, resulting in lower chloride levels in both surface waters and groundwater.[10]

In sum, the results of the groundwater monitoring conducted at the Will County Station do not show that the ash ponds are the source of the alleged exceedances. The data collected to date is accurately characterized as being inconsistent with the allegation that the operation of the ash ponds has caused the alleged violations.

C. The Will County Ash Ponds Are Not Causing Groundwater Exceedances

Because the Illinois EPA failed to specify which of the provisions of Section 12 of the Act MWG allegedly violated, MWG has had to speculate to identify the potential Section 12 violations this response needs to address. As stated above, MWG objects to the vagueness of, and legally deficient notice provided by, the VN and reserves its right to respond further when and if the Illinois EPA properly identifies the provisions of Section 12 on which it is relying.

For purposes of this response, based upon the regulations cited by the Agency in the VN, MWG has assumed that the Agency's alleged violations of Section 12 are limited to Sections 12(a), which prohibits causing or allowing water pollution, and to Section 12(d), which prohibits causing or allowing the creation of a water pollution hazard. 415 ILCS 5/12(a), (d) Based on these assumptions regarding the substance of the Illinois EPA's alleged violations, MWG submits that the Agency cannot show that the ash ponds at Will County caused or allowed water pollution or created a water pollution hazard.

The analytical results show that the distribution of the exceedances in the groundwater is random, with a predominance of the exceedances occurring in monitoring wells on the east side

[9] Mullaney, John R., *et al*, Chloride in Groundwater and Surface Water in Areas Underlain by the Glacial Aquifer System, Northern United States, Scientific Investigations Report 2009-5089, U.S. Geological Survey, Reston, VA. 2009. Table 5.

[10] Based on snowfall records for O'Hare Airport, the 2011 snowfall totaled 43.4 inches compared to 2012's total snowfall of only 19.8 inches.(Source: http://www.isws.illinois.edu/data.asp; last checked 7/27/12).

of the ash ponds, which are generally upgradient (based on higher water level elevations) of wells on the west side of the ash ponds. To show a violation of Section 12(a) and 12(d), there must be a showing not only of the presence of a potential source of contamination, but also that it is in sufficient quantity and concentration to render the waters harmful. *Bliss v. Illinois EPA,* 138 Ill. App. 3d 699, 704 (1985) ("mere presence of a potential source of water pollutants on the land does not necessarily constitute a water pollution hazard"). In other words, there must be a causal link between the potential source and the water or groundwater. The groundwater monitoring data on which the Agency relies does not establish this essential causal link between the ash ponds and the groundwater. Therefore, the Agency has failed to meet its burden to prove that the ash ponds are the cause of the alleged exceedances of the groundwater standards as required to prove a violation of sections 12(a) or 12(d) of the Act. 415 ILCS 5/12(a), (d).

The Agency also alleges violations of the groundwater quality regulations based on exceedances of the groundwater quality standards in 35 Ill. Admin. Code § 620.401. There is no violation here of section 620.401. Section 620.401 solely provides the legal criteria that groundwater must meet the standards appropriate to the groundwater's class. It is a foundational regulation, allowing for different classes of groundwater to meet different groundwater standards. It is not a prohibition regulation. There is no conduct prohibited by this section of the regulations in which MWG is alleged to have engaged. MWG cannot and did not violate section 620.401.

The remaining alleged groundwater regulation violations, 35 Ill. Admin. Code §§ 620.115, 620.301, 620.405, and 620.410 of the Board Regulations, are all based on the Agency's contention that MWG's operation of the ash ponds has caused the exceedances of the groundwater standards detected in the monitoring data. To sustain these allegations, the Agency must show that MWG caused a discharge of the subject constituents from ash ponds which in turn caused the exceedances of the groundwater standards.[11] The relevant facts and circumstances do not support either conclusion.

The use and condition of the ash ponds does not support a finding that they are releasing constituents to the groundwater. They are not disposal sites. Ash is removed from the ponds by MWG. The linings in all of the ash ponds are of sufficiently low permeability, consistent with accepted regulatory guidance, to prevent the release of constituents. The evidence provided from the 2009 inspection of the Pond 3S liner provides compelling support for the finding that they are not a likely cause of the alleged exceedances of the groundwater standards. Finally, pursuant to the terms of the Will County Station's NPDES Permit, these ash ponds are part of the flow-through wastewater treatment process at the station. MWG's operation of the ash ponds has been carried out in accordance with the terms and conditions of the NPDES Permit. Under Section 12(f) of the Act, compliance with the terms and conditions of any permit issued under Section 39(b) of the Act is deemed compliance with this subsection.

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[11] *See People of the State of Illinois v. ESG Watts, Inc.*, PCB 96-107 slip op. at p. 41 (February 5, 1998) (By finding the respondent caused a discharge of constituents into the groundwater causing a violation of the Class II Groundwater standards, the Board found the respondent also violated 35 IAC §§ 620.301 and 620.115)

Similarly, the groundwater data on which the Agency relies does not provide a sufficient scientific or technical evidentiary basis on which to conclude that the ash ponds are causing the alleged groundwater exceedances. The essential "causal link" between the ash ponds and the elevated constituents in the groundwater is missing. The data is at best inconclusive on this issue, while certain aspects of the data clearly point to other, unrelated causes.

Because the ash ponds have not been shown to have caused a release of any contaminants that is causing the groundwater exceedances, the Agency's VN does not support its claims that MWG has violated sections 620.405 or 620.301 of the Board regulations. Accordingly, MWG also has not violated section 620.115 of the Board regulations.

III. Compliance Commitment Agreement

This VN should not have been issued. Given the absence of proof that the ash ponds are the cause of the alleged groundwater exceedances, the Agency's request for a Compliance Commitment Agreement (CCA) is an attempt to compel MWG to conduct unnecessary corrective action to resolve the alleged violations.

Moreover, with the pending federal regulatory process to enact regulations for the design and operation of ash ponds, it is prudent to await the outcome of the proposed federal regulations to determine whether any changes to the ash ponds construction or operation are required by those regulations. The Agency itself has previously advanced this position. In 2010, the Agency's Steven Nightingale testified before the Illinois Pollution Control Board (the "Board") that the Board should consider initiating a temporary moratorium on the closure of coal ash impoundments because of the U.S. EPA's intention to regulate them. (*See In the Matter of Ameren Ash Pond Closure Rules (Hutsonville Power Station): Proposed 35 Ill.Adm.Code Part 840.101 Through 840.152*, Docket R09-21 (October 7, 2010) at p. 64) On behalf of the Agency, Mr. Nightingale told the Board that if industry had to take action in the interim, it "could end up expending substantial money and resources only to find they are subject to additional and/or different closure requirements for those units." (*Id.*) The Agency's pursuit of this enforcement action, particularly given the deficiencies in its alleged evidence, also threatens to force MWG to take actions that may conflict with or otherwise differ from the requirements in the upcoming federal regulations.

As the hydrogeologic assessment showed, there is no threat to human health presented by the alleged exceedances of the groundwater standards. The hydrogeologic assessment investigated the presence of potable water sources within a 2,500-foot radius of the site. The shallow dolomite aquifer underlying the site is not used as a potable water source within this radius. The nearest groundwater wells are installed more than 1,500 feet deep, drawing water from a deep aquifer below the Maquoketa confining unit. Shallow groundwater at the site discharges either to the Des Plaines River or the Chicago Sanitary and Ship Canal (the "Canal"). The Canal is not used as a drinking water source. The nearest downgradient water supply intake in the Des Plaines River, a headwater of the Illinois River, is located at Peoria, approximately 137 miles downstream. In the absence of any potable groundwater receptors or use, groundwater

at the Will County site does not pose any risk to human health. Accordingly, awaiting the outcome of the federal regulatory proposal is appropriate under these circumstances.

Because MWG's preference is to cooperate with the Agency in this matter, MWG presents here a proposed CCA that should be acceptable based on the relevant facts and circumstances. The proposed CCA terms are as follows:

A. The ash ponds will not be used as permanent disposal sites and ash will continue to be removed from ponds on a periodic basis.

B. The ash ponds will be maintained and operated in a manner which protects the integrity of the existing liners. During the removal of ash from the ponds, appropriate procedures will be followed to protect the integrity of the existing liners, including operating the ash removal equipment in a manner which minimizes the risk of any damage to the liner.

C. During the ash removal process, visual inspections of the ponds will be conducted to identify any signs of a breach in the integrity of the pond liner. In the event that a breach of the pond liner is detected, MWG will notify the Agency and will submit a corrective action plan for repair or replacement, as necessary, of the liner. Upon the Agency's approval, and the issuance of any necessary construction permit, MWG will implement the correction action plan.

D. Institutional controls will be evaluated for addressing the alleged exceedances of the groundwater standards. There are already Environmental Land Use Controls (ELUCs) in place in the vicinity of the Will County Station. The Village of Romeoville presently is preparing an ordinance that would annex the land on which the ash ponds are located. The Village of Romeoville has a groundwater ordinance banning the use of groundwater as a potable water supply throughout the village limits. See attached §§ 50.60 through 50.99 of the Romeoville Code). The groundwater ordinance follows the requirements under the Pollution Control Board TACO regulations, 35 IAC 742.1015. If the Will County Station is not subject to the existing Romeoville ordinance, then MWG will submit for the Agency's review and approval a proposed restrictive covenant that prohibits the installation of potable wells in the area where groundwater exceedances have been detected.

E. MWG proposes to establish a Groundwater Management Zone ("GMZ") below the ash ponds pursuant to section 620.250 of the Board's regulations. 35 Ill. Admin. Code § 620.250. The corrective action required by the GMZ regulations is addressed by the existing pond liners and the proposed institutional control.

F. MWG will continue to monitor the groundwater through the existing ten groundwater monitoring wells and report its findings to Illinois EPA, pursuant to section 620.250(c) of the GMZ Regulations, 35 Ill. Admin. Code § 620.250(c). MWG

reserves the right to request the Illinois EPA's approval of a cessation of all or some of the monitoring requirements based on future monitoring results.

G. MWG will continue to monitor the development of the Coal Combustion Residuals Proposed Rules, EPA-HQ-RCRA-2009-0640. When the final rule is issued, MWG will promptly notify Illinois EPA how it will comply with the new Federal Rules.

This letter constitutes our response to and proposed CCA for the Violation Notice W-2012-00058. MWG also reserves the right to raise additional defenses and mitigation arguments as may be necessary, in defense of the allegations listed in the Violation Notice in the event of any future enforcement. We look forward to discussing the above information further at the soon to be scheduled meeting with the Agency's representatives.

Very truly yours,

Susan M. Franzetti
Counsel for Midwest Generation, LLC

Enclosures

cc: Maria L. Race, Midwest Generation, LLC

Table 3
GROUNDWATER ANALYTICAL RESULTS - AMENDED JULY 2012
Will County Station
Romeoville, Illinois
Midwest Generation
21253.028

PATRICK ENGINEERING	Sample Analysis Method	Groundwater Quality Standard (mg/L)	MW-1 (mg/L)	MW-1 (mg/L)	MW-1 (mg/L)	MW-1 (mg/L)	MW-1 (mg/L)	MW-1 (mg/L)	MW-2 (mg/L)	MW-2 (mg/L)	MW-2 (mg/L)	MW-2 (mg/L)	MW-2 (mg/L)	MW-2 (mg/L)
Chemical Name		Class I*	12/13/10	3/28/11	6/15/11	9/15/11	12/8/11	3/16/12	12/13/10	3/28/11	6/15/11	9/15/11	12/8/11	3/16/12
Antimony	Metals 6020	0.006	ND	ND	ND	ND	0.0063	ND	ND	ND	ND	0.0073	0.017	ND
Arsenic	Metals 6020	0.05	ND	ND	ND	ND	ND	ND	0.0052	0.0032	ND	0.008	0.0058	0.0048
Barium	Metals 6020	2.0	0.05	0.041	0.046	0.038	0.033	0.033	0.061	0.068	0.068	0.048	0.048	0.058
Beryllium	Metals 6020	0.004	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Cadmium	Metals 6020	0.005	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Chromium	Metals 6020	0.1	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Cobalt	Metals 6020	1.0	0.0011	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Copper	Metals 6020	0.65	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Cyanide	Dissolved 9014	0.2	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Iron	Metals 6020	5.0	ND	ND	ND	0.11	ND	ND	ND	ND	ND	ND	ND	ND
Lead	Metals 6020	0.0075	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Manganese	Metals 6020	0.15	0.2	0.15	0.22	0.16	0.17	0.16	0.032	0.032	0.043	0.036	0.031	0.031
Mercury	Mercury 7470A	0.002	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Nickel	Metals 6020	0.1	0.0046	0.0038	ND	0.0029	0.004	0.0042	ND	ND	ND	ND	ND	ND
Selenium	Metals 6020	0.05	ND	ND	ND	0.0053	0.0025	0.0033	ND	ND	ND	ND	ND	ND
Silver	Metals 6020	0.05	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Thallium	Metals 6020	0.002	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Zinc	Metals 6020	5.0	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Boron	Metals 6020	2	1.8	1.6	1.8	1.7	1.6	1.5	1.8	1.7	2.3	2.3	1.7	1.7
Sulfate	Dissolved 9038	400	530	390	280	320	270	430	430	280	400	330	220	330
Chloride	Dissolved 9251	200	110	210	110	120	140	190	110	250	180	110	120	140
Nitrogen/Nitrate	Nitrogen By calc	10	ND	1.1	0.73	0.33	1.4	2.2	ND	ND	ND	ND	ND	ND
Total Dissolved Solids	Dissolved 2540C	1,200	1,100	1,100	1,100	760	770	910	870	970	900	720	650	810
Fluoride	Dissolved 4500 FC	4	0.71	0.65	0.53	0.77	0.73	0.69	0.62	0.5	0.42	0.59	0.59	0.46
Nitrogen/Nitrite	Dissolved 4500 NO2	--	ND	ND	ND	0.042	ND	ND	ND	ND	ND	ND	ND	ND
Nitrogen/Nitrate/Nitrite	Dissolved 4500 NO3	--	ND	1.1	0.73	0.37	1.4	2.2	ND	ND	ND	ND	ND	ND

Notes:
*Class I Groundwater Standards from 35 IAC Part 620
Bold values show exceedences of 35 IAC Part 620
ND- non detect
mg/L- milligrams per liter

AMENDMENTS
- Value amended from original Table 3 (May 11, 2012).
- Value has not changed; font has been changed from bold to normal.

MWG13-15_433

Table 3
GROUNDWATER ANALYTICAL RESULTS - AMENDED JULY 2012
Will County Station
Romeoville, Illinois
Midwest Generation
21253.028

PATRICK ENGINEERING	Sample Analysis Method	Groundwater Quality Standard (mg/L)	MW-3 (mg/L)	MW-3 (mg/L)	MW-3 (mg/L)	MW-3 (mg/L)	MW-3 (mg/L)	MW-3 (mg/L)	MW-4 (mg/L)	MW-4 (mg/L)	MW-4 (mg/L)	MW-4 (mg/L)	MW-4 (mg/L)	MW-4 (mg/L)
Chemical Name		Class I*	12/13/10	3/28/11	6/15/11	9/15/11	12/8/11	3/16/12	12/13/10	3/29/11	6/15/11	9/15/11	12/8/11	3/16/12
Antimony	Metals 6020	0.006	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Arsenic	Metals 6020	0.05	0.002	0.0024	ND	0.0025	0.0018	0.0017	0.0027	0.0016	ND	0.0041	0.0016	0.0015
Barium	Metals 6020	2.0	0.084	0.086	0.071	0.079	0.083	0.075	0.068	0.062	0.05	0.05	0.043	0.036
Beryllium	Metals 6020	0.004	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Cadmium	Metals 6020	0.005	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Chromium	Metals 6020	0.1	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Cobalt	Metals 6020	1.0	ND	0.0022	ND	ND	ND	ND	0.0011	ND	ND	0.0012	ND	ND
Copper	Metals 6020	0.65	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Cyanide	Dissolved 9014	0.2	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Iron	Metals 6020	5.0	0.37	0.57	ND	0.26	0.19	0.2	0.83	0.78	0.7	1.2	0.64	0.53
Lead	Metals 6020	0.0075	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Manganese	Metals 6020	0.15	0.34	0.31	0.34	0.26	0.29	0.27	0.52	0.58	0.7	1.0	[redacted]	0.6
Mercury	Mercury 7470A	0.002	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Nickel	Metals 6020	0.1	0.0054	0.0037	ND	0.0061	0.0053	0.0052	0.0048	0.0041	ND	0.0051	0.0047	0.0048
Selenium	Metals 6020	0.05	ND	ND	ND	0.0033	ND	ND	ND	0.0033	ND	ND	0.0086	0.0067
Silver	Metals 6020	0.05	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Thallium	Metals 6020	0.002	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Zinc	Metals 6020	5.0	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Boron	Metals 6020	2	2.7	2.4	2.6	3.3	2.8	2.7	3.7	3.3	3.6	4.3	3.0	4.0
Sulfate	Dissolved 9038	400	330	270	240	250	280	320	1,500	1,500	1,600	4,800	1,600	2,000
Chloride	Dissolved 9251	200	54	250	100	130	100	[redacted]	120	190	120	170	150	150
Nitrogen/Nitrate	Nitrogen By calc	10	ND	ND	0.81	ND	[redacted]	ND	ND	ND	0.19	ND	0.37	0.45
Total Dissolved Solids	Dissolved 2540C	1,200	940	1,000	990	1,000	930	1,000	2,500	2,600	2,800	6,000	3,100	3,700
Fluoride	Dissolved 4500 FC	4	0.5	0.37	0.36	0.45	0.39	0.38	0.52	0.49	0.48	0.53	0.55	0.5
Nitrogen/Nitrite	Dissolved 4500 NO2	--	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Nitrogen/Nitrate/Nitrite	Dissolved 4500 NO3	--	ND	ND	0.81	ND	0.54	ND	ND	ND	0.19	ND	0.37	0.45

Notes:
*Class I Groundwater Standards from 35 IAC Part 620
Bold values show exceedences of 35 IAC Part 620
ND- non detect
mg/L- milligrams per liter

AMENDMENTS
[redacted] - Value amended from original Table 3 (May 11, 2012).
[redacted] - Value has not changed; font has been changed from bold to normal.

MWG13-15_434

Table 3
GROUNDWATER ANALYTICAL RESULTS - AMENDED JULY 2012
Will County Station
Romeoville, Illinois
Midwest Generation
21253.028

PATRICK ENGINEERING	Sample Analysis Method	Groundwater Quality Standard (mg/L)	MW-5 (mg/L)	MW-5 (mg/L)	MW-5 (mg/L)	MW-5 (mg/L)	MW-5 (mg/L)	MW-5 (mg/L)	MW-6 (mg/L)	MW-6 (mg/L)	MW-6 (mg/L)	MW-6 (mg/L)	MW-6 (mg/L)	MW-6 (mg/L)
Chemical Name		Class I*	12/13/10	3/29/11	6/15/11	9/15/11	12/8/11	3/16/12	12/13/10	3/28/11	6/15/11	9/15/11	12/8/11	3/16/12
Antimony	Metals 6020	0.006	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Arsenic	Metals 6020	0.05	0.0066	0.0048	ND	0.0025	0.0065	0.0065	0.0018	0.0018	ND	0.0031	0.0022	0.0022
Barium	Metals 6020	2.0	0.051	0.06	0.067	0.07	0.061	0.053	0.05	0.04	0.045	0.041	0.053	0.044
Beryllium	Metals 6020	0.004	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Cadmium	Metals 6020	0.005	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Chromium	Metals 6020	0.1	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Cobalt	Metals 6020	1.0	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Copper	Metals 6020	0.65	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Cyanide	Dissolved 9014	0.2	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Iron	Metals 6020	5.0	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Lead	Metals 6020	0.0075	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Manganese	Metals 6020	0.15	0.0079	0.0067	0.055	0.13	0.038	0.032	0.073	0.051	0.047	0.024	0.0038	0.029
Mercury	Mercury 7470A	0.002	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Nickel	Metals 6020	0.1	ND	ND	ND	0.0021	ND	ND	ND	ND	ND	ND	ND	ND
Selenium	Metals 6020	0.05	0.017	0.014	0.016	0.008	0.01	0.0059	0.0062	0.0028	ND	0.011	ND	ND
Silver	Metals 6020	0.05	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Thallium	Metals 6020	0.002	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Zinc	Metals 6020	5.0	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Boron	Metals 6020	2	2.6	2.7	3.2	4.0	3.2	2.9	2.7	2.5	2.4	3.0	2.5	2.5
Sulfate	Dissolved 9038	400	580	570	540	690	500	370	500	540	570	420	440	380
Chloride	Dissolved 9251	200	110	150	140	150	130	170	120	210	150	120	120	110
Nitrogen/Nitrate	Nitrogen By calc	10	0.27	1.6	0.97	0.11	1	0.11	ND	ND	0.1	ND	ND	ND
Total Dissolved Solids	Dissolved 2540C	1,200	1,000	1,300	1,400	1,500	1,000	1,000	990	1,100	1,200	870	880	900
Fluoride	Dissolved 4500 FC	4	0.41	0.4	0.46	0.49	0.38	0.42	0.85	0.88	0.79	0.97	0.77	0.68
Nitrogen/Nitrite	Dissolved 4500 NO2	--	ND	0.31	0.13	ND	0.17	0.14	ND	0.048	0.16	ND	ND	ND
Nitrogen/Nitrate/Nitrite	Dissolved 4500 NO3	--	0.27	1.9	1.1	0.11	1.2	0.25	ND	ND	0.26	ND	ND	ND

Notes:
*Class I Groundwater Standards from 35 IAC Part 620
Bold values show exceedences of 35 IAC Part 620
ND- non detect
mg/L- milligrams per liter

AMENDMENTS
[redacted] - Value amended from original Table 3 (May 11, 2012).
[redacted] - Value has not changed; font has been changed from bold to normal.

MWG13-15_435

Table 3
GROUNDWATER ANALYTICAL RESULTS - AMENDED JULY 2012
Will County Station
Romeoville, Illinois
Midwest Generation
21253.028

PATRICK ENGINEERING	Sample Analysis Method	Groundwater Quality Standard (mg/L)	MW-7 (mg/L)	MW-7 (mg/L)	MW-7 (mg/L)	MW-7 (mg/L)	MW-7 (mg/L)	MW-7 (mg/L)	MW-8 (mg/L)	MW-8 (mg/L)	MW-8 (mg/L)	MW-8 (mg/L)	MW-8 (mg/L)	MW-8 (mg/L)
Chemical Name		Class I*	12/13/10	3/29/11	6/15/11	9/15/11	12/8/11	3/16/12	12/13/10	3/29/11	6/15/11	9/15/11	12/8/11	3/16/12
Antimony	Metals 6020	0.006	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Arsenic	Metals 6020	0.05	0.004	0.0037	ND	0.0042	0.0042	0.0041	0.0067	0.0059	0.0082	0.014	0.012	0.0066
Barium	Metals 6020	2.0	0.045	0.067	0.076	0.082	0.082	0.069	0.069	0.089	0.085	0.099	0.078	0.066
Beryllium	Metals 6020	0.004	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Cadmium	Metals 6020	0.005	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Chromium	Metals 6020	0.1	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Cobalt	Metals 6020	1.0	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Copper	Metals 6020	0.65	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Cyanide	Dissolved 9014	0.2	ND	ND	0.016	ND	ND	ND	ND	ND	ND	ND	ND	ND
Iron	Metals 6020	5.0	0.23	0.18	ND	0.37	0.5	0.57	0.48	0.38	0.76	0.46	[redacted]	ND
Lead	Metals 6020	0.0075	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Manganese	Metals 6020	0.15	0.12	0.11	0.15	0.18	0.2	0.2	0.33	0.44	0.47	0.45	0.4	ND
Mercury	Mercury 7470A	0.002	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Nickel	Metals 6020	0.1	0.0029	0.0023	ND	0.0024	0.0021	ND	ND	ND	ND	0.0034	0.002	ND
Selenium	Metals 6020	0.05	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Silver	Metals 6020	0.05	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Thallium	Metals 6020	0.002	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Zinc	Metals 6020	5.0	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Boron	Metals 6020	2	4.7	5.0	5.7	3.4	5.0	5.1	1.7	1.3	1.7	2.3	1.9	1.5
Sulfate	Dissolved 9038	400	610	650	1,000	710	710	770	440	440	420	600	330	330
Chloride	Dissolved 9251	200	160	140	140	160	150	130	93	270	200	160	130	160
Nitrogen/Nitrate	Nitrogen By calc	10	ND	ND	ND	ND	ND	ND	ND	0.22	ND	ND	ND	ND
Total Dissolved Solids	Dissolved 2540C	1,200	1,300	1,500	1,600	1,400	1,300	1,400	930	1,200	1,100	1,300	980	910
Fluoride	Dissolved 4500 FC	4	0.96	0.77	0.71	0.82	0.86	0.76	0.61	0.55	0.57	0.64	0.61	0.52
Nitrogen/Nitrite	Dissolved 4500 NO2	–	ND	0.077	0.035	0.05	0.043	ND	ND	ND	ND	ND	ND	ND
Nitrogen/Nitrate/Nitrite	Dissolved 4500 NO3	–	ND	ND	ND	ND	ND	ND	ND	0.22	ND	ND	ND	ND

Notes:
*Class I Groundwater Standards from 35 IAC Part 620
Bold values show exceedences of 35 IAC Part 620
ND- non detect
mg/L- milligrams per liter

AMENDMENTS
[redacted] - Value amended from original Table 3 (May 11, 2012).
[redacted] - Value has not changed; font has been changed from bold to normal.

MWG13-15_436

Table 3
GROUNDWATER ANALYTICAL RESULTS - AMENDED JULY 2012
Will County Station
Romeoville, Illinois
Midwest Generation
21253.028

PATRICK ENGINEERING			MW-9	MW-9	MW-9	MW-9	MW-9	MW-9	MW-10	MW-10	MW-10	MW-10	MW-10	MW-10
Chemical Name	Sample/Analysis Method	Groundwater Quality Standard (mg/L) Class I*	(mg/L) 12/13/10	(mg/L) 3/29/11	(mg/L) 6/15/11	(mg/L) 9/15/11	(mg/L) 12/8/11	(mg/L) 3/16/12	(mg/L) 12/13/10	(mg/L) 3/28/11	(mg/L) 6/15/11	(mg/L) 9/15/11	(mg/L) 12/8/11	(mg/L) 3/16/12
Antimony	Metals 6020	0.006	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Arsenic	Metals 6020	0.05	0.0059	0.0049	0.0052	0.0065	0.0078	0.0053	0.0041	0.0046	ND	0.0088	0.0083	0.0056
Barium	Metals 6020	2.0	0.025	0.031	0.025	0.023	0.017	0.023	0.098	0.091	0.091	0.11	0.11	0.1
Beryllium	Metals 6020	0.004	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Cadmium	Metals 6020	0.005	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Chromium	Metals 6020	0.1	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Cobalt	Metals 6020	1.0	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Copper	Metals 6020	0.65	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Cyanide	Dissolved 9014	0.2	ND	ND	ND	ND	ND	ND	ND	ND	0.01	ND	ND	ND
Iron	Metals 6020	5.0	ND	ND	ND	ND	ND	ND	0.32	0.46	0.63	0.6	0.71	0.61
Lead	Metals 6020	0.0075	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Manganese	Metals 6020	0.15	ND	ND	ND	ND	ND	ND	0.25	0.22	0.25	0.27	0.29	0.25
Mercury	Mercury 7470A	0.002	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Nickel	Metals 6020	0.1	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Selenium	Metals 6020	0.05	0.0036	0.0042	ND	0.0045	0.0031	ND	ND	ND	ND	0.0032	ND	ND
Silver	Metals 6020	0.05	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Thallium	Metals 6020	0.002	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Zinc	Metals 6020	5.0	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Boron	Metals 6020	2	2.2	1.4	1.7	2.0	1.9	1.4	2.1	1.8	2.2	2.8	2.5	2.1
Sulfate	Dissolved 9038	400	410	320	410	400	270	340	370	370	350	420	290	330
Chloride	Dissolved 9251	200	100	280	230	190	140	200	92	130	150	120	120	100
Nitrogen/Nitrate	Nitrogen By calc	10	ND	2.4	0.94	ND	1.9	3.2	ND	ND	ND	ND	ND	ND
Total Dissolved Solids	Dissolved 2540C	1,200	800	1,000	940	850	660	820	990	960	990	1,000	1,100	990
Fluoride	Dissolved 4500 FC	4	0.33	0.36	0.28	0.28	0.38	0.39	0.66	0.64	0.65	0.67	0.59	0.52
Nitrogen/Nitrite	Dissolved 4500 NO2	–	0.44	1.2	0.16	0.22	[redacted]	0.12	ND	ND	ND	ND	ND	ND
Nitrogen/Nitrate/Nitrite	Dissolved 4500 NO3	–	ND	3.6	1.1	0.18	2.0	3.3	ND	ND	ND	ND	ND	ND

Notes:
*Class I Groundwater Standards from 35 IAC Part 620
Bold values show exceedences of 35 IAC Part 620
ND- non detect
mg/L- milligrams per liter

AMENDMENTS
[redacted] - Value amended from original Table 3 (May 11, 2012).
[redacted] - Value has not changed; font has been changed from bold to normal.

MWG13-15_437