Coal Combustion Residual Enforcement/Coal Combustion Residual Ponds: Illinois Attorney General and Owner of Inactive Illinois Electric Generating Facility Enter into Consent Order

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The Illinois Attorney General ("AG") and Dynergy Midwest Generation LLC ("Dynergy") entered into a June 9th Consent Order ("CO") addressing alleged violations associated with three coal combustion residual ("CCR") ponds.

The CCR ponds are stated to be located at an inactive coal-fired electric generating facility known as the Vermilion Power Station ("Site").

The Site is stated to be located on the west bank of a meandering segment of the Middle Fork of the Vermilion River.

Dynergy is stated to own and maintain three man-made CCR ponds described as:

- The North Ash Pond, which contains approximately 1.6 mission cubic yards of CCR
- The Old East Ash Pond, which contains approximately 1.2 million cubic yards of CCR
- The New East Ash Pond, which contains approximately 0.5 million cubic yards of CCR

The AG had filed a Complaint alleging certain violations which included:

- Water pollution violations of Class 1 groundwater standards
- Impairment of resource groundwater
- Creating a water pollution hazard
- Offensive conditions
- Illegal disposal of waste

The CO provides that Dynergy does not affirmatively admit the allegations of violation within the Complaint, and it should not be interpreted as including such admission.

The CO requires that the three CCR ponds be closed and an estimated 3 million cubic yards of the material be removed. The CCR pond closure plans are subject to review by the Illinois Environmental Protection Agency pursuant to the CO.

The CO also requires that Dynergy continue implementation of a Dewatering Plan and a Groundwater Collection Trench Plan at the site. Further, a Safety Emergency Response Plan must be completed and ongoing riverbank inspections continued.

A civil penalty of $100,000 is assessed along with the funding of two beneficial environmental projects totaling $400,000.

A copy of the CO can be downloaded here.