



Illinois EPA Refers Dynegy Midwest Generation, LLC to Attorney General for Enforcement

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SPRINGFIELD – Illinois Environmental Protection Agency Acting Director John J. Kim announced that the Agency has referred an enforcement action to the Illinois Attorney General’s office against Dynegy Midwest Generation, LLC (Dynegy). Dynegy operated a coal-fired power plant in Oakwood, Vermilion County, known as the Vermilion Power Station, until the plant’s closure in 2011. The referral addresses the release of contaminants from Dynegy’s coal ash ponds, located adjacent to the former power plant, which are alleged to have caused both groundwater and surface water violations.

Over the life of the Vermilion Power Station, approximately 3.3 million cubic yards of coal ash, a byproduct of burning coal to produce electricity, was stored in three onsite ash ponds. The ash ponds are located immediately adjacent to the Middle Fork of the Vermilion River (River), a segment of which has been designated as Illinois’ first and only Scenic River under the National Wild and Scenic Rivers Act.

Dynegy has historically monitored the groundwater in the vicinity of its ash ponds, the results of which indicate that the ash ponds have released contaminants into the groundwater at levels exceeding the applicable State of Illinois groundwater quality standards. Additionally, an in-stream inspection of the River conducted by the Illinois EPA in 2018 identified numerous seeps of heavily stained water emanating from the embankments adjacent to the Dynegy coal ash ponds and flowing into the River.

In addition to allegations of groundwater and surface water contamination, reports indicate that the River continues to steadily erode the riverbank adjacent to the coal ash ponds, which threaten the integrity of these ponds. Dynegy proposed a riverbank stabilization project in July 2018, which is currently being evaluated by the Illinois EPA, as well as other State and Federal agencies.

In the referral, the Illinois EPA has requested that the Attorney General direct Dynegy to (1) meet applicable groundwater quality standards at its ash ponds by developing, obtaining approval of, and implementing a closure plan for its ash ponds; (2) obtain all necessary permitting/approvals and implement the proposed riverbank stabilization project; and (3) pay a monetary fine for its past violations related to coal ash storage at the Vermilion Power Station.