



Working for a Just
and Sustainable Future

March 30, 2016

Bruce Rauner, Governor
Office of the Governor
207 State Capital
Springfield, IL 62706

Lisa Bonnett, Director
Illinois EPA
1021 N. Grand Avenue East
Springfield, IL 62794-9276

Subject: Threat of Dynegy's coal ash pits to Illinois' only National Scenic River and the tourism and economic development potential of Vermilion County

Dear Governor Rauner and Director Bonnett:

On behalf of the Eco-Justice Collaborative, its volunteers, and supporters, we are writing to express our serious concern over a continuing health and safety threat posed by leaking coal ash pits along the Middle Fork of the Vermilion River, Illinois' only National Scenic River. We are calling on you to require Dynegy-Midwest Generation, the current owner of these pits, to remove this toxic material from the floodplain and relocate it to a properly-designed and monitored upland location on their property.

Coal ash contains some of the world's deadliest toxic metals, such as arsenic; lead; mercury; cadmium; chromium; and selenium. These and other chemicals found in coal ash can cause birth defects, cancer, and brain damage in humans, and can harm and kill wildlife, especially fish.

In 2011, Dynegy-Midwest Generation closed its coal-fired power plant in Vermilion County, Illinois. Over its 55-year period of operation, plant operators deposited over 3.3 million cubic yards of toxic coal ash into three pits located adjacent to the river. Two of these pits are unlined and the third, although lined, is sited over mine voids, raising questions about its long-term stability. All lie within the floodplain.

Coal ash pollutants have been found to be leaking into adjacent groundwater and the river. Studies by the Illinois Natural History Survey have shown elevated concentrations of heavy metals in aquatic organisms downstream from the plant. In addition, the river is continuing to aggressively erode the banks that separate the coal ash from the river channel (see attached photos).

Accident Waiting to Happen

In light of the major coal ash spills that have occurred in other parts of the country, there is a growing movement among residents concerned that the Dynegy pits are an accident waiting to happen. There have been two major toxic coal ash spills in recent years, with enormous economic, social and environmental costs. In 2008 a massive coal ash spill in Kingston, TN sent 5.5 million cubic yards of toxic coal ash into the Clinch and Emory Rivers. So far, the cost of clean-up is \$1.2 billion and mounting. Then, in 2014, a Duke Energy plant in NC sent 46,000 cubic yards of toxic coal ash into the Dan River, extending 70 miles downstream. The bill for clean-up is now over \$50 million, and growing.

Economic Consequences

Kickapoo State Park and Recreation Area lies immediately downstream from the plant. The City of Danville and its proposed riverfront / economic development site lies only 12 miles downstream. Vermilion County's

Eco-Justice Collaborative

919 W. University Ave. | Champaign, IL 61821 | 773.556.3417 / 3418
ejc@ecojusticecollaborative.org | www.ecojusticecollaborative.org

2025 Plan proposes to capitalize on the tourism and recreation potential of resources in the county, especially the areas along the Middle Fork and Vermilion Rivers.

In the event of an accident, the economic impact to state recreation areas and the proposed riverfront development in Danville would be catastrophic. The recreation potential of the Middle Fork Corridor would be destroyed and taxpayers would be left with clean-up costs easily exceeding tens of millions of dollars.

Need for Action Now

Federal rules recently adopted to regulate coal ash disposal do not apply to the Dynegy-Vermilion site because the plant ceased operation prior to the effective date of the rules. Currently there are no state rules specifically addressing the disposal of coal ash. Dynegy-Midwest Generation has proposed closing the pits by leaving them in place, capping them with a 40-mil. PVC liner overlaid with a 250 mil. geo-composite layer and 36 inches of earth. All three pits would be left in the floodplain, where they would continue to be in contact with the groundwater and be subject to the relentless hydraulic action of the river. Dynegy's proposal is a short-term, "cap and run" solution for the company that will leave the liability for this dangerous waste disposal site for future generations.

A corrective action plan has been submitted to the Illinois EPA for approval. Dynegy has dismissed the option of removing the coal ash from the floodplain citing "unfavorable costs". It also has chosen not to complete the engineering studies requested by IEPA and required to address deficiencies in its closure plan. We believe that Dynegy's inaction is irresponsible.

Precedent has been set for the responsible closure of leaking coal ash pits. Following the 2014 Dan River spill, North Carolina passed a Coal Ash Management Act requiring Duke Energy to remove coal ash from many of its disposal sites. Two pits at Dan River are among six the NC Department of Environmental Quality says must be cleaned up by 2019. Fourteen additional pits must be excavated and the ash reburied in lined landfills by 2014 and eight more could be designated for the same treatment. This would bring the total number of relocated coal ash pits to 28.

Growing Voices

The Vermilion County Board, Vermilion County Conservation District, Vermilion County Conservation Foundation, Vermilion County Soil and Water Conservation District and the Lake Vermilion Water Quality Coalition have formally called on Dynegy-Midwest Generation to clean up its toxic waste. Similarly, a growing number of businesses, organizations and citizens are learning of the problem and demanding action.

This is why we are calling on each of you, as Governor and Director of the Illinois EPA, to require Dynegy to move its coal ash to a properly-designed, lined facility, on-site and away from the river; install modern pollution controls; and conduct appropriate monitoring of the facility. Unlike Dynegy Midwest Generation's plan, this is a permanent solution. It is the only solution that will ensure that our state's only National Scenic River, the people who depend on it for food and recreation, and the economic activity that it supports will be protected for future generations. It is also the only way that State can ensure that the cost of on-going remediation or an environmental catastrophe will not fall on Illinois or Vermilion County taxpayers.

Sincerely,

Lan R. Richart
Co-Director

Pamela J. Richart
Co-Director

Attachment

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Eco-Justice Collaborative 2014

The Middle Fork of the Vermilion River is Illinois' only National Scenic River.



Eco-Justice Collaborative 2016

Dynegey-Midwest Generation has 3.3 million cubic yards of toxic coal ash stored in pits in the river's floodplain.



The river is eroding the walls of these pits. Gabions installed to shore up the banks are failing.



Heavy metals are leaking into the groundwater and river.