

January 22, 2015

The Honorable John Shimkus  
Chairman  
Subcommittee on Environment and the Economy  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515-6115

The Honorable Paul Tonko  
Ranking Member  
Subcommittee on Environment and the Economy  
Committee on Energy and Commerce  
2322A Rayburn House Office Building  
Washington, DC 20515-6115

**Re: Subcommittee Hearing, “EPA’s 2014 Final Rule: Disposal of Coal Combustion Residuals from Electric Utilities.”**

Dear Chairman Shimkus and Ranking Member Tonko:

I am writing concerning the hearing to be held by the Subcommittee on Environment and the Economy on January 22, 2015, entitled “EPA’s 2014 Final Rule: Disposal of Coal Combustion Residuals from Electric Utilities.”

We have previously shared with you our grave concerns regarding the health and safety of Illinois communities and the risks posed to the State’s waterways by dangerous coal ash disposal. For your convenience, I have attached our letter of August 2014, signed by 18 Illinois organizations, which requests a hearing in your subcommittee on the threats posed by coal ash. (Attachment 1 to this letter).

In light of Thursday’s hearing, I would also like to share with you the following resolutions passed by the Vermilion County Board, Soil & Water Conservation District, Vermilion County Conservation District, and Vermilion County Conservation Foundation, and the Lake Vermilion Water Quality Coalition (Attachments 2-6). Each resolution passed unanimously, supported with the intent of illustrating broad community concern for local resources that stand to be damaged by ongoing coal ash pollution and a potential catastrophic breach in Illinois’ 15th District.

The growing list of damage cases from improperly disposed coal combustion waste has illustrated that unchecked and poorly monitored disposal is an issue worthy of national concern.

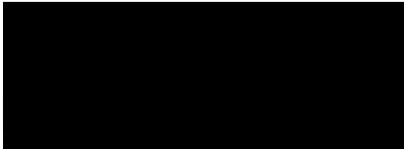
In Illinois, the problem is particularly severe. Illinois is home to over 90 coal ash pits, many sited in places that are unsuitable and dangerous for the disposal of toxic waste. Fifty-six ash pits were built over groundwater recharge areas, 62 over shallow aquifers, and 9 were constructed over wetlands. In 2009, the Illinois EPA investigated 22 of the 24 coal-fired power plant sites in Illinois and found groundwater contamination from coal ash pollution at all 22 sites.

Coal ash contains heavy metals like mercury, arsenic, selenium, chromium and cadmium which can cause cancer and brain damage in humans and are harmful to fish and wildlife. Illinois citizens and businesses that rely on the state's water supplies are now facing risks from unstable dams precariously holding back thousands of tons of coal ash waste. In fact, after a series of structural integrity assessments of 38 Illinois coal ash pits, the EPA rated 16 in the state in "poor" condition.

The risks presented by improper coal ash disposal in Illinois' are incontrovertible, and communities across the state have worked to communicate these concerns – for the sake of human health, aquatic life, and their livelihoods.

We urge you to consider these concerns, and we request that your committee refrain from advancing any legislation that weakens the final EPA rule. Such legislation would increase the risk to health and the environment from coal ash in Illinois and throughout the nation.

Respectfully,



Glynnis Collins  
Executive Director

Attachment 1. Letter to Chairman Shimkus Re: Request for House Subcommittee Hearing on Coal Ash Ponds

Attachment 2. Vermilion County Board Resolution

Attachment 3. Vermilion County Soil & Water Conservation District Resolution

Attachment 4. Vermilion County Conservation District Resolution

Attachment 5. Vermilion County Conservation Foundation Resolution

Attachment 6. Lake Vermilion Water Quality Coalition Resolution

August 4, 2014

The Honorable John Shimkus  
Chairman  
Subcommittee on Environment and the Economy  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

Re: Request for House Subcommittee Hearing on Coal Ash Ponds

Dear Chairman Shimkus:

The undersigned 18 Illinois groups are writing to express significant concern about the severe threat to public safety, health and the environment posed by impoundments containing toxic coal ash. Six months ago an earthen dam impounding more than a million tons of coal ash failed at Duke Energy's Dan River plant in North Carolina, resulting in 140 thousand tons of coal ash and wastewater fouling the Dan River. Toxic coal ash contaminated the water and sediment of the Dan River for 70 miles, and despite a cleanup deemed "complete" by Duke Energy, 94 percent of the coal ash still resides in the river. We believe that unsafe coal ash ponds are similarly an imminent and significant threat in Illinois. Therefore we request that the Subcommittee on Environment and the Economy hold a hearing as soon as possible to ensure that the U.S. Environmental Protection Agency is doing everything possible to effectively address this threat to American communities nationwide.

The threat from coal ash ponds is indeed a national problem; the EPA has found that there are more than a thousand ponds at coal-fired power plants throughout the United States. Nevertheless, the problem is particularly severe in your home state. Illinois is home to 24 coal-fired power plants, many of which were built adjacent to rivers or over groundwater aquifers in order to meet their enormous water needs. As a result, 91 coal ash disposal ponds were built in places that are unsuitable and dangerous for the disposal of toxic waste. Fifty-six ash ponds were built over groundwater recharge areas, 62 over shallow aquifers, and 9 were constructed over wetlands.

These 91 coal ash ponds contain hundreds of millions of tons of toxic coal ash, the waste left over from burning coal, which contains arsenic, chromium, lead, mercury, and a range of harmful heavy metals and hazardous pollutants. When these pollutants enter our drinking water, rivers and streams they harm human health, aquatic life and our economy.

Almost all of the coal ash ponds in Illinois are unlined, allowing toxic contaminants to seep into the water systems below. Recent state-required groundwater monitoring has confirmed that coal ash dumps are leaking at every site in the state. To make matters worse, these dumps keep growing as Illinois coal plants produce 4.4 million tons of ash each year. Illinois also serves as a dumping ground for coal ash from at least six other states, in part because of our weak ash disposal rules.

While many of these coal ash pits present threats of slow but inevitable discharge into water systems, several hold the potential for catastrophic failure. For example, the retired Dynegy Vermilion Power Station hosts three waste dumps in the floodplain of the Middle Fork of the Vermilion River. Two of the pits were built without liners and have begun to contaminate adjacent groundwater. The banks of the impoundment are also vulnerable to flooding and erosion of the river, threatening to unleash 3 million cubic yards of coal ash downstream.

In fact, in a series of structural integrity assessments of 38 Illinois coal ash impoundments, the EPA rated 16 of the 38 dams impounding coal ash in “poor” condition. Some risk the erosional forces of nearby rivers. Others were built over mine voids, where subsidence could compromise stability. Perhaps of greatest concern, several major facilities with poor ratings lie upstream of community drinking water supplies. When contaminants like arsenic, mercury, lead, cadmium, and chromium enter drinking water, they can cause substantial damage to the nervous system and other organs.

Illinois communities like Marion, Joliet, Venice, Oakwood, Havana, Alton, Powerton, Hennepin, Hutsonville, Coffeen, Wood River, and Canton not only face substantial dangers to human health and environmental stability, but economic damage as well. It is estimated that the Dan River spill in North Carolina caused at least \$70 million in damage to fish, wildlife and the local economy. The Duke Energy spill that devastated the Dan River involved an ash pit storing 155 million gallons of waste. Pits several times this size are scattered across Illinois – including the Dynegy Vermilion plant located in your home district. For many, it is not a question of “if” storage pits will fail, but “when.” This is an issue our regulators and legislators can no longer afford to ignore.

In sum, the nation faces an imminent hazard from coal ash ponds, both active and retired, across the nation. We believe it is your responsibility to ensure that your constituents and the nation are safe from preventable coal ash disasters. We believe a subcommittee hearing is essential for the purposes of learning how the EPA will address the imminent threat posed by coal ash impoundments, for questioning why Duke Energy did not perform a complete cleanup, and for hearing from affected communities how these dangerous ponds harm their health, environment and the economic well-being.

Thank you in advance for consideration of this critical request. We look forward to your response.

Respectfully,

Prairie Rivers Network

Faith in Place

Illinois Chapter Sierra Club

Illinois Environmental Council

Eco-Justice Collaborative  
Central Illinois Healthy Community Alliance  
Global Warming Solutions Group of Central Illinois  
Peoria Families Against Toxic Waste  
University of Illinois Beyond Coal  
Justice for Rocky Branch  
Shawnee Hills and Hollers  
Citizens Against Ruining the Environment  
Canton Area Citizens for Environmental Issues  
Stand Up to Coal  
Central Illinois Chapter of the Interfaith Alliance  
Shawnee Group Sierra Club  
Prairie Group Sierra Club  
Citizens Against Longwall Mining

11C-1

## Resolution

### Re: Fly Ash Issue In Vermilion County

**WHEREAS**, the County of Vermilion recognizes coal as a legitimate energy resource and that it has played a large part in the economic development of this and other counties; and

**WHEREAS**, it has nonetheless been found through more current research that the byproducts of coal use, particularly fly ash, has the potential for causing current and future damage to important resources of Vermilion County such as the Middle Fork River; and

**WHEREAS**, such concerns may not have been known at the time the fly ash was so placed and when it's placement was allowed under current State law; and

**WHEREAS**, the river system is used for wildlife viewing, hiking, paddling, angling, hunting and photography, providing enjoyment and economic value and business use; and

**WHEREAS**, the County of Vermilion is concerned that the plan for dealing with the fly ash currently on site and elsewhere may not resolve the future needs, both business and recreational, and concerns of citizens, particularly given the experience of Vermilion County with fly ash issues in the past; and

**WHEREAS**, the Illinois Pollution Control Board now has the authority to act upon current information and concerns and establish best practices for dealing with fly ash now and into the future. Vermilion County strongly supports effective rules for the benefit of its citizens.

**BE IT THEREFORE RESOLVED THAT** the County of Vermilion encourages and requests that any plan for the disposal of fly ash, particularly along and in water areas, be based upon the best scientific practices that will answer current and future citizen and business concerns for the vitality of the Middle Fork tourist area as well as the concerns of residents who may live close to or in areas affected by such fly ash and that any such rule address the water safety needs of residents and that the producers of fly ash bear the cost of removal or protection.

11C-2

**Page 2: Fly Ash Issue In Vermilion County**

**PRESENTED, APPROVED, AND RESOLVED** by the County Board of Vermilion County, Illinois at its May 13, 2014, A.D. meeting.

Dated this 13<sup>th</sup> day of May, 2014 A.D.

AYE \_\_\_ NAY \_\_\_ ABSENT \_\_\_

\_\_\_\_\_  
Vermilion County Board Chairman

ATTEST: \_\_\_\_\_

Clerk of the County Board

\_\_\_\_\_  
Approved to Form: State's Attorney

Res: \_\_\_\_\_



May 8, 2014

*Rick Kentner*  
Chairman

Re: Coal Ash Resolution

*Neil Andrews*  
Vice Chairman

To Whom It May Concern,

*Robert Mathis*  
Secretary/Treasurer

We, the board of directors of the Vermilion County Soil & Water Conservation District do support the proposal of removing coal ash from the three Dynege Midwest Generation storage pits at the Vermilion facility. We also support the relocation of the contaminants to a lined dry waste management unit.

*Dwight Bohlen*  
Director

We believe capping the ponds is only a temporary measure and our concern is the long term effects of the coal ash seeping into the Middle Fork River.

*Chris Elliott*  
Director

We propose that a comprehensive plan be created for the responsible closure and clean-up of the Vermilion facility and that the financial burden be placed upon Dynege Midwest Generation, L.L.C. and not upon the taxpayers of Vermilion County.

*Don Dice*  
Associate Director

*Kevin Green*  
Associate Director

Our mission statement states our task as the board of directors for the Vermilion County Soil & Water Conservation District is to provide for the conservation of the soil, soil resources, water and water resources of the county; to provide for the control and prevention of soil erosion; to provide for the prevention of air and water pollution and to provide for the prevention of erosion, floodwater and sediment damages. Our responsibility is to protect our natural resources of Vermilion County.

*John Maudlin*  
Associate Director

The boards of directors is requesting that the Illinois Environmental Protection Agency and Illinois Department of Natural Resources do not approve a closure plan for the Dynege Midwest Generation Vermilion facility that does not sufficiently address concerns of stability and pollution of groundwater and surface water.

Sincerely,

A black rectangular redaction box covering the signature of the Chairman.

Richard W. Kentner  
Chairman of the Board

Vermilion County Conservation District  
Headquarters, Kennekuk County Park  
Danville, Illinois

Resolution 14-1

**Concerns of the Coal Ash Storage Pits Bordering the Middle Fork National Scenic River in Vermilion County**

WHEREAS, the Vermilion County Conservation District maintains a border with the Middle Fork National Scenic River, the only such river designation in Illinois, and thus is concerned over the potential of pollution by coal fly ash in the Middle Fork National Scenic River; and

WHEREAS, the coal fly ash is present in storage pits at the Dynegy Midwest Generation, L.L.C. Vermilion facility, that has been closed since 2011 and that risks of pollution remain because of lack of structural integrity; and

WHEREAS, the river system is used for wildlife observation, canoeing, kayaking, floating, fishing, hiking, horseback riding, hunting, picnicking, nature photography and other nature-related enjoyment; and

WHEREAS, the river system supports a diverse range of threatened and endangered species, where twenty-four species are officially identified as state and federally threatened or endangered such as the blue breast darter, northern slippershell mussel, creek heelsplitter mussel, and the recently re-located northern riffleshell and clubshell mussels from the Allegheny River in Pennsylvania, chosen because of the requirement of high water quality found in this river; and

WHEREAS, the Illinois Environmental Protection Agency has proposed rules to the Illinois Pollution Control Board to address coal ash issues at power plant sites to establish criteria, requirements, and standards for preventive response or corrective action as deemed necessary to protect river quality; and

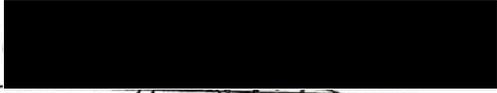
WHEREAS, the mission statement of the Vermilion County Conservation District is "to assure our people permanent access to their outdoor heritage", thus the District strongly supports rules for the benefit of its citizens.

**BE IT THEREFORE RESOLVED** THAT the Vermilion County Conservation District requests that the Illinois Pollution Control Board should consider implementation of rules that will provide greater protection of water resources threatened by coal ash disposal; and

**BE IT FURTHER RESOLVED** that the Illinois Environmental Protection Agency and the Illinois Department of Natural Resources do not approve a closure plan of the Dynegy Midwest Generation Vermilion facility until the concerns of the potential pollution of groundwater and surface water are addressed.

Adopted this 21<sup>st</sup> day of May, 2014.

ATTEST:



Perry A. Jaynes  
Secretary  
Vermilion County Conservation District



Brett K. Little  
President  
Vermilion County Conservation District

**Vermilion County Conservation Foundation  
Forest Glen Preserve  
Westville, Illinois**

**Resolution**

**Concerns of the Coal Ash Storage Pits Bordering the Middle Fork National Scenic River in Vermilion County.**

**WHEREAS**, the Vermilion County Conservation Foundation supports conservation efforts in Vermilion County, and the Middle Fork National Scenic River lies within the boundary of Vermilion County; and

**WHEREAS**, the coal fly ash occurs in storage pits at the Dynegy Midwest Generation, L.L.C. Vermilion Facility, which has been non-operational since 2011 and that these storage pits lack structural integrity which causes great risk of polluting the Middle Fork National Scenic River; and

**WHEREAS**, this river system supports a diverse population of flora and fauna which were major considerations to receive this national scenic river designation; and

**WHEREAS**, the Environmental Protection Agency has propose rules to the Illinois Pollution Control Board to address coal ash issues at power plant sites to establish criteria, requirements, and standards for preventative response or corrective action as deemed necessary to protect river quality.

**BE IT THEREFORE RESOLVED THAT** the Vermilion County Conservation Foundation requests that the Illinois Pollution Control Board should consider implementation of rules that will provide great protection of water resources threatened by coal ash disposal; and

**BE IT FURTHER RESOLVED** that the Illinois Environmental Protection Agency and the Illinois Department of Natural Resources do not approve a closure plan of the Dynegy Midwest Generation Vermilion facility until the concerns of the potential pollution of groundwater and surface water are addressed.

Adopted this 13<sup>th</sup> day of June, 2014.

ATTEST:

---

Cheryl Vergin  
Secretary  
Vermilion County Conservation  
Foundation

---

Gordon Thoennes  
Chairman  
Vermilion County Conservation  
Foundation

**Lake Vermilion Water Quality Coalition  
Farm Bureau  
1905 A US Rt. 150  
Danville, IL 61832**

**Resolution 14-1**

**Concerns of the Coal Ash Storage Pits Bordering the Middle Fork National Scenic River in Vermilion County.**

**WHEREAS**, the Lake Vermilion Water Quality Coalition was established as an education committee made up of local government organizations, corporations, and private individuals, who have a vested interest in water quality in Vermilion County; and

**WHEREAS**, the North Fork, Salt Fork, and the Middle Fork National Scenic River are tributaries of the Vermilion River and are essential to the area's water supply and recreational opportunities. And, the river system is used for wildlife observation, canoeing, kayaking, floating, fishing, hiking, horseback riding, hunting, picnicking, nature photography, and other nature related enjoyment; and

**WHEREAS**, the coal fly ash is present in storage pits at the Dynegy Midwest Generation, L.L.C. Vermilion facility, that has been closed since 2011 and that risks of pollution remain because of lack of structural integrity; and

**WHEREAS**, the Illinois Environmental Protection Agency has proposed rules to the Illinois Pollution Control Board to address coal ash issues at power plant sites to establish criteria, requirements, and standards for preventive response or corrective action as deemed necessary to protect river quality.

**BE IT THEREFORE RESOLVED** that the Lake Vermilion Water Quality Coalition requests that the Illinois Pollution Control Board should consider implementation of rules that will provide greater protection of water resources threatened by coal ash disposal; and

**BE IT FURTHER RESOLVED** that the Illinois Environmental Protection Agency and the Illinois Department of Natural Resources do not approve a closure plan of the Dynegy Midwest Generation Vermilion facility until the concerns of the potential pollution of groundwater and surface water are addressed.

Adopted this 28<sup>th</sup> day of August, 2014.

ATTEST

  
\_\_\_\_\_  
Jon Felix  
Secretary  
Lake Vermilion Water Quality Coalition

  
\_\_\_\_\_  
Ken Konsis  
President  
Lake Vermilion Water Quality Coalition